

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X	Docket#	
UNITED STATES OF AMERICA,	:	10-cr-594 (ERK)
	:	
- versus -	:	U.S. Courthouse
	:	Brooklyn, New York
JOSEPH YANNAI,	:	
Defendant	:	May 25, 2011
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TRANSCRIPT OF CRIMINAL CAUSE FOR JURY TRIAL
BEFORE THE HONORABLE EDWARD R. KORMAN
UNITED STATES SENIOR DISTRICT JUDGE

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1 MR. SPECTOR: Judge, just a brief issue before
2 we begin. There was some testimony from this witness,
3 Nathalie Yagoub about another young woman who was present
4 at the defendant's home with her named Joanna. We're not
5 -- Joanna is not a witness at this case and we're not
6 going to be arguing that she was a victim of any of the
7 crimes. So, the defense should not be allowed to cross-
8 examine this witness as to any issues of whether Joanna
9 was victimized, whether Joanna was happy, any cross along
10 those lines because it's just not relevant.

11 MR. SCHNEIDER: I disagree.

12 MR. SPECTOR: Judge, I don't know how -- we've
13 already briefed this. I don't know how it's legally
14 relevant, even if assuming there was a consensual
15 relationship with Joanna, the fact that the defendant had
16 a consensual relationship with some other woman who is
17 not testifying here and is not a victim is legally
18 irrelevant. It's similar to a fraud case where
19 investment manager steals from five clients and doesn't
20 steal from five others. The fact that he didn't rob some
21 of his clients is legally irrelevant as to the issue of
22 whether he robbed the ones that he stole from.

23 THE COURT: Well how did her name come up?
24 Refresh my recollection?

25 MR. SPECTOR: Just as background. She

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1 testified that there was another woman staying there.
2 And there's one piece that's relevant to the assault, and
3 that's -- she testified that when she was in the bedroom
4 -- I believe her testimony was when she was in the
5 bedroom, the defendant was holding her down and Joanna --
6 he told Joanna to touch her breasts. They can cross-
7 examine on the facts of that assault but they shouldn't
8 be able to cross-examine anything about whether Joanna
9 was victimized, whether Joanna was happy, whether the
10 defendant assaulted Joanna because it's not a relevant
11 issue at this trial.

12 MR. SCHNEIDER: Our position is that the
13 government's going to argue that a force in this case was
14 some sort of coercive environment. So what this witness
15 saw in the house, including this other woman, who she
16 stayed alone in the house with for five days when
17 Mr. Yannai and his wife were in Turkey, is relevant to
18 the climate in the house.

19 She spoke to that woman. They discussed
20 things. All that is certainly relevant as to whether
21 there was a climate of coercion or a climate of fear in
22 the house.

23 MR. SPECTOR: Well that would go to Joanna's
24 state of mind which is not something this witness is
25 competent to testify to.

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1 MR. SCHNEIDER: No, no.

2 MR. SPECTOR: It sounds like they're trying to
3 elicit hearsay testimony by Joanna's statements, all of
4 which is entirely inappropriate.

5 MR. SCHNEIDER: No, we would elicit statements
6 this witness made to Joanna. And the government's
7 interviewed Joanna. We have reports of investigation of
8 that. We understand what those discussions were.

9 THE COURT: Well that's admissible, isn't it,
10 assuming it's relevant.

11 MR. SPECTOR: They can question this witness
12 about whether she complained to Joanna but they should
13 not be able to question this witness about whether Joanna
14 was victimized. That's the issue.

15 MR. SCHNEIDER: I think we -- look, our
16 position, we can question this witness about what she
17 saw. Obviously she can't say whether that woman
18 consented. She can say about what she saw. She can't
19 give that woman's state of mind. I understand that but I
20 don't understand --

21 THE COURT: All right. As long as you limit it
22 to what she saw.

23 MR. SCHNEIDER: Okay.

24 MR. SPECTOR: Well, but just so we're clear,
25 I'm sorry to belabor this, but that shouldn't include the

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1 cross-examination about whether Joanna was happy, whether
2 Joanna was free to leave; all that sort of thing.

3 THE COURT: He just said he was going to do it
4 as to what she saw. I don't know how she could testify
5 as to her state of mind.

6 MR. SCHNEIDER: She can't.

7 MR. SPECTOR: But I don't know what that line
8 of questioning means. Maybe to avoid a side-bar, we can
9 just get a proffer on what that's going to be.

10 MR. SCHNEIDER: I f I ask something that's
11 objectionable, you'll object and the Judge will sustain
12 it or he won't.

13 MR. SPECTOR: Can we have a proffer? I'm not
14 going to -- the rest of the direct is just going to be
15 after she left. It's not going to involve Joanna. So,
16 I'd ask for a proffer of what the cross is going to be on
17 that.

18 MR. SCHNEIDER: I'm going to ask her about what
19 she said to Joanna when Mr. Yannai was away in Turkey,
20 whether she discussed with Joanna whether she should be
21 -- meaning whether this witness should leave. I'm going
22 to discuss with her the alleged sexual contact that she
23 had with Joanna and Mr. Yannai that you've already
24 questioned her about. Right now I can't recall anything
25 else that I'm going to go into. It's possible something

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1 will pop up when I'm up there.

2 But I don't understand the government's
3 concern. This witness can't testify that this other
4 person was there consensually or not. I understand that.
5 I'm not going to ask that.

6 THE COURT: All right.

7 MR. SPECTOR: And those three lines, we have no
8 objection to.

9 THE CLERK: Bring in the witness.

10 THE COURT: The interpreter, you want to come
11 up. We're not going to break for lunch until 2:15.

12 MR. SPECTOR: We had a big breakfast, Judge.

13 THE COURT: I have snacks in my office.

14 MS. CESARE: Your Honor, we're waiting for 3500
15 material on the next witness.

16 THE COURT: You can't wait to tell this second.

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Ms. Yagoub - Direct - Mr. Spector

1 (Jury enters the courtroom.)

2 THE COURT: Please be seated.

3 (Witness retakes the stand.)

4 THE COURT: You're still under oath.

5 MR. SPECTOR: May I proceed, your Honor?

6 THE COURT: Yes.

7 CONTINUED DIRECT EXAMINATION

8 BY MR. SPECTOR:

9 Q. Ms. Yagoub, last night I think we left off when the
10 defendant had taken you to the train station and you had
11 just gotten on the train. Once the doors closed and you
12 were on the train, did you have a plan at that point?

13 A. No, I didn't.

14 Q. Did you know where the train was going?

15 A. Yes, I'm sorry. I asked in the train if it's going
16 to Manhattan because I didn't know other boroughs, so I
17 asked if it's going to Manhattan and he said yes.

18 Q. And did you buy a ticket on the train?

19 A. Yeah.

20 Q. What money did you use to buy the ticket?

21 A. I still had a little amount left, like I had maybe
22 fifteen bucks or something like that.

23 Q. Where did the train arrive?

24 A. At Grand Central Station.

25 Q. And what did you do when you got there?

Ms. Yagoub - Direct - Mr. Spector

1 A. I was reaching to terminal. I was carrying two bags
2 and I approached a police officer and asked him whether
3 he had any suggestion where I could spend the night.

4 Q. And what did he say?

5 MR. SPECTOR: Judge, we thought it might be
6 helpful for the jury to hear the witness' tone of voice,
7 even if she's speaking in a different language.

8 THE COURT: All right. Then speak next to the
9 mic.

10 THE WITNESS: Okay.

11 A. Could you repeat your question?

12 Q. Sure. What did the police officer say to you?

13 A. He suggested that I spend the night at a hotel. So I
14 told him that I couldn't do that because I didn't have
15 enough money. So then he indicated that at the end of
16 the hall, there was a homeless shelter and he recommended
17 that I go over there.

18 Q. What happened next?

19 A. Well, the police officer was kind enough to help me
20 carry the bags towards this homeless shelter. And just
21 before we got there, a guy approached us.

22 Q. And did you later learn this guy's name?

23 A. Tunc.

24 Q. Okay. And what happened next?

25 A. So this man was very -- this young man was very sort

Ms. Yagoub - Direct - Mr. Spector

1 of stressed and sort of hectic. And I had the feeling
2 that he and the police officer knew each other. And he
3 asked the police officer if he knew somebody who was
4 interested in renting his apartment for one month.

5 So, I looked at the police officer. He looked at me.
6 This young man looked at us and so, I said well I can't
7 afford to pay rent for one month. What I really need is
8 a bed for one or maybe two nights.

9 So, Tunc -- Tunc, this young man said that that was
10 okay. I could use his apartment for one night. And but
11 I would have to wait until evening because he was working
12 in a store at Grand Central. And at the end of his
13 workday, he would give me the keys.

14 Q. And did you wait until the evening?

15 A. Yes, I did. I took a walk in New York and waited
16 until evening.

17 Q. And after Tunc finished work, did you go to his
18 apartment?

19 A. Yes, I returned to Grand Central Station and then he
20 and I went to his apartment.

21 Q. Where was that?

22 A. In Queens.

23 Q. And approximately how long did you stay at Tunc's
24 apartment?

25 A. About one week.

Ms. Yagoub - Direct - Mr. Spector

1 Q. And did there come a point when you were able to find
2 a job in New York?

3 A. Well, Tunc understood that I was in a difficult
4 financial situation and he suggested that I go to Craig's
5 List, which I didn't know. He showed me how that works,
6 how to operate the system and I looked for a job. And
7 after a few days, I found a job.

8 Q. Where did you find a job?

9 A. In a restaurant.

10 Q. What restaurant?

11 A. The name?

12 Q. Yes.

13 A. Bella Luna, it was called.

14 Q. And what did you do there?

15 A. In Manhattan.

16 Q. What work did you do?

17 A. Waitress.

18 Q. Were you able to work in the United States legally?

19 A. No.

20 Q. Why did you stop working there?

21 A. Because the -- I was late and the boss told me that
22 there was already almost at the end before I got home to
23 Austria. So, I didn't care but he told me that I
24 shouldn't come back because I was late and yeah, I got
25 sort of fired.

Ms. Yagoub - Direct - Mr. Spector

- 1 Q. Okay. After you stayed at Tunc's, was there
2 somewhere else that you lived in New York? Did you live
3 somewhere else in New York other than at Tunc's?
- 4 A. Yes.
- 5 Q. Where was that?
- 6 A. In 153rd Street.
- 7 Q. In the Bronx?
- 8 A. No, it's not yet the Bronx.
- 9 Q. Upper Manhattan?
- 10 A. I think it's -- yeah.
- 11 Q. Okay. Did you have enough money to pay for your own
12 rent at that point?
- 13 A. Not enough; no. A part, yes and a part, no.
- 14 Q. Where did you get the money?
- 15 A. Yeah, I got paid weekly where I was working. So I
16 had something for the first time. And then yeah -- and
17 then I started to call my mom and I asked her for the
18 first time to send me money with Western Union.
- 19 Q. You said that's the first time you'd asked your
20 mother for money?
- 21 A. Yeah.
- 22 Q. Why hadn't you asked her for money sooner?
- 23 A. I have a -- well, my mother also was in a difficult
24 financial situation and actually she had been to the
25 hospital because it was all too much for her, the death

Ms. Yagoub - Direct - Mr. Spector

1 of my father and taking care of my grandmother and
2 renovating the house where they were. So I didn't really
3 want to additional put a burden on her but then at the
4 end, I just didn't know what else to do because I had to
5 pay the rent.

6 Q. Now while you were still in the United States, but
7 after you had left the defendant's home, did you ever
8 e-mail the defendant?

9 A. Once.

10 Q. Why did you do that?

11 A. Well it was a very banal e-mail. What happened is
12 that I left a CD behind, a CD that a friend of mine had
13 made for me for my trip to New York. And when I found
14 out at Tunc's house that I didn't have it, I said, oh, my
15 I would like to have it back. So I sent him an e-mail
16 asking to get that CD back.

17 Q. Was there any other reason in your mind that you
18 wanted to send that e-mail to the defendant?

19 A. Well I had to send him my address in case he was
20 going to send back the CD to me. But on the other hand,
21 I was also happy to show him that I had an address
22 because he had said "Oh, you have no money. Where are
23 you going to go?" So I wanted to prove to him that I had
24 found a place to live that was sort of in the back of my
25 mind.

Ms. Yagoub - Direct - Mr. Spector

1 Q. Did there come a time you decided to leave the United
2 States?

3 A. Yes, I waited until the expiration date of my visa
4 because I didn't want to stay longer and then took a
5 flight back to Austria.

6 Q. Did you have enough money to pay for the plane ticket
7 at that point?

8 A. I had -- no.

9 Q. Who paid for the plane ticket?

10 A. Well it was this Tim, who we mentioned yesterday,
11 this young man whom I met and we fell in love with each
12 other. And he helped me buy the ticket and I promised
13 him to send the money back to him from Austria.

14 Q. And did you meet Tim at Bella Luna?

15 A. Yes.

16 Q. After you got home to Austria, did you tell your
17 family about what had happened?

18 A. No, I did not tell them what happened.

19 Q. Why not?

20 A. I did tell them what I had done in New York City but
21 I did not tell them about what had happened at the house.

22 Q. Why not?

23 A. Well up to a very short time ago, I still hadn't told
24 my family about it. It was a very embarrassing and
25 shameful period in my life. And because it was my family,

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1 I just couldn't get myself to telling them about it.

2 Well and another reason why I didn't want to tell my
3 mother about what had happened is that she and I sort of
4 had prepared and worked on this trip together. And I
5 could -- I knew I could get over -- eventually I could
6 get over what had happened but I wasn't sure about my
7 mother and I didn't want her to blame herself for the
8 rest of her life.

9 Q. Did you consider telling the authorities about what
10 had happened?

11 A. No, I didn't do that either.

12 Q. Why not?

13 A. Well the thing was, I was living -- I was staying
14 with a man in Westchester who owned a huge house with his
15 own pond. He had four cars. He had several bank
16 accounts. He had a publishing business with large
17 editions. And I asked myself, will I be able to find a
18 lawyer and is anybody -- what chances do I have against
19 this man? Is anybody going to believe my story against
20 such a powerful man?

21 So my answer to that question was no, I was going to
22 have no chance. I was going to multiply my problems. I
23 would run into more difficulties that I had already.

24 Q. Did you ever have any further contact with the
25 defendant after you got back home?

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1 A. Never again; no.

2 Q. Did you do any internet research about the defendant
3 after you got back home?

4 A. Yes.

5 Q. Why did you do that?

6 A. After one year, I went into the internet to find out
7 about this Who's Who book that he had been working on
8 this F-2 Travel Guide that I personally had been
9 involved. And so I wanted to know what has happened and
10 what was going on.

11 Q. After -- did you continue to look on the internet
12 after that?

13 A. So about a year ago, I had sort of an instinct at 3
14 o'clock in the morning. I was sitting at the computer
15 and I entered the name Joseph Yannai. This was three
16 years after the -- after what had happened.

17 Q. Now without telling us what you saw, did you see
18 anything?

19 A. Yes.

20 Q. And after you saw that on the internet, what did you
21 do?

22 A. I found on the internet the telephone number of the
23 police station in Pound Ridge and called them because I
24 was curious to find out what had really happened.

25 Q. And did you tell them anything about what had

Ms. Yagoub - Direct - Mr. Spector

1 happened to you?

2 A. I wasn't sure how much they knew, how much
3 information they had. So I just asked the what had had
4 happened to this man and told them that I had worked for
5 him.

6 Q. Now before you made that phone call had anyone from
7 law enforcement contacted you about the case?

8 A. No.

9 Q. Did you agree to come to the United States to testify
10 at this trial voluntarily?

11 A. I did; yes.

12 Q. Were you required to come here today?

13 A. No.

14 Q. Do you know someone named Anne Simonsen?

15 A. No.

16 Q. Do you know someone named Laura Ramirez?

17 A. No.

18 Q. Do you know someone named Vanessa Stenzel?

19 A. No.

20 Q. Do you know someone named Bernadett Herczeg?

21 A. No.

22 Q. Do you know someone named Gisele Lunkes?

23 A. No.

24 Q. Do you know who any of the other witnesses in this
25 case are?

Ms. Yagoub - Cross - Mr. Schneider

1 A. No idea; no.

2 MR. SPECTOR: Can I have a moment, your Honor?

3 (Pause.)

4 MR. SPECTOR: No further questions.

5 CROSS-EXAMINATION

6 BY MR. SCHNEIDER:

7 Q. Good morning, Ms. Yagoub.

8 A. Good morning.

9 Q. My name's Mike Schneider. I'm going to ask you some
10 questions.

11 A. Yes.

12 Q. Now soon after you got to the house in Westchester --
13 let me back up. You arrived on March 19, 2006; is that
14 right?

15 A. I do not recall the exact date. I believe it was the
16 12th.

17 Q. You don't have a -- you haven't looked at a copy of
18 your ticket or anything like that?

19 A. I did not have a copy of the -- for the purchase of
20 my tickets. I didn't have a credit card back then. So I
21 bought the ticket from a travel agent.

22 Q. And the government hasn't shown you anything to
23 refresh your recollection about when you traveled?

24 A. I would have to look at the e-mails because there's
25 one e-mail in which I said I am going to arrive next

Ms. Yagoub - Cross - Mr. Schneider

1 Sunday, but I do not recall whether it was the 12th, the
2 14th or 19th of March.

3 Q. Soon after you arrived, you started working in the
4 home office in Mr. Yannai's house; correct?

5 A. Correct.

6 Q. And you were working on a computer; is that right?
7 You would work using a computer?

8 A. Yes.

9 Q. And very soon after you arrived, you said Mr. Yannai
10 would go past you and he would grab your breasts
11 sometime; right?

12 A. Right.

13 Q. And when that happened, you would push his hands away
14 and you would say don't do that or words to that effect;
15 is that correct?

16 A. Yes.

17 Q. And when you told him to stop, he stopped.

18 A. Not right away.

19 Q. Well did he stop -- after you told him to stop, what
20 did he do?

21 A. He told me I shouldn't be so selfish, that I should
22 continue with my work and he continued doing that.

23 Q. So when you told him to stop, he would call you
24 selfish; right?

25 A. Well, not only that, during the course of these

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1 events, he also in between his putting his hands on me,
2 he also asked things like "You don't want me to invest in
3 you anymore and don't you want to continue working for
4 me?"

5 Q. And he would say things like "You're stupid to resist
6 me," things like that?

7 A. Among other things.

8 Q. I'm going to show you what's been previously marked
9 Government Exhibit 820 and is in evidence. We can
10 publish this to the jury. Can you see that, Ms. Yagoub?

11 A. I can see that; yes.

12 Q. Right. That's an e-mail dated March 10.

13 A. Yes.

14 Q. This is an e-mail you were referring to -- I'm sorry,
15 is that an e-mail from Sylvia to you; right?

16 A. This is an e-mail from Sylvia; yes.

17 Q. And it says that you are arriving here on Sunday;
18 right?

19 A. Yes.

20 Q. So you were correct, you arrived March 12.

21 A. Yes.

22 Q. When you were in the house, with Mr. Yannai, did he
23 ever hit you?

24 A. No, he never hit me.

25 Q. Did he ever threaten to hit you?

Ms. Yagoub - Cross - Mr. Schneider

- 1 A. You mean whether he threatened to hit me?
- 2 Q. Yes.
- 3 A. No.
- 4 Q. Did he ever threaten to call immigration because you
- 5 had come to the country illegally?
- 6 A. No.
- 7 Q. Did he ever drag you into his bed?
- 8 A. No.
- 9 Q. He would grab you. He would grab your breasts.
- 10 Would he grab your butt?
- 11 A. Not only.
- 12 Q. I'm sorry?
- 13 A. Not only.
- 14 Q. But he would do those things?
- 15 A. Yes.
- 16 Q. And in the beginning, you would tell him to stop;
- 17 right?
- 18 A. Yes.
- 19 Q. But he continued trying to touch you over the days;
- 20 is that right?
- 21 A. Right.
- 22 Q. And eventually, you stopped saying no, is that right?
- 23 Eventually, you stopped saying no?
- 24 A. Yes.
- 25 Q. And you allowed him to touch you.

Ms. Yagoub - Cross - Mr. Schneider

- 1 A. Yes.
- 2 Q. He was persistent, Mr. Yannai?
- 3 A. Oh, yes.
- 4 Q. And eventually, you started getting into bed with him
- 5 after his naps; is that right?
- 6 A. Well, first of all, normally I was in his room after
- 7 he woke up from his nap. And in the beginning, I just
- 8 sat on the bed and we had conversations. I never was
- 9 under the blanket.
- 10 Q. You -- the whole time you were never under the
- 11 blanket or did it come to a point when you were lying in
- 12 bed with him?
- 13 A. I was never under the blanket. The bed was covered
- 14 with a day spread.
- 15 Q. Were you ever lying in the bed on top of the
- 16 bedspread?
- 17 A. It happened; yes.
- 18 Q. When you would sit in the room, and not lie down,
- 19 would he try to get you to lie down?
- 20 A. Yes.
- 21 Q. He talked to you and he tried to get you to lay next
- 22 to him; right?
- 23 A. Yes.
- 24 Q. He tried to persuade you?
- 25 A. He didn't persuade me exactly. He didn't ask me in a

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1 nice, gentle way to lie down with him but he sort of
2 threatened me in regard to the -- my work situation.

3 Q. Well, was the threat that you could go back home to
4 Austria?

5 A. Among other things; yes.

6 Q. Well what other things?

7 A. Well, he said that he was not going to invest in me
8 any longer and that he would not help me to achieve
9 success professionally. And that I had no money. He
10 knew that. And that I had no other place to go to. And
11 he promised a lot of things.

12 Q. He promised you things? He promised you things?

13 A. Yes, of course.

14 Q. Like to teach you to be a businesswoman?

15 A. Yeah, that's how he started everything. Well, he
16 during a two-week e-mail exchange had gotten all the
17 information about me out of me. He really knew
18 everything about me and these e-mails also contained
19 promises. I don't want -- I don't know whether you want
20 me to list these promises. And I think it takes a lot to
21 convince a person to leave her family to travel to a new
22 continent and to basically start on a new life. You have
23 to awaken a lot of hopes and expectations in that person
24 before one would do that.

25 Q. And you had those hopes and expectations?

Ms. Yagoub - Cross - Mr. Schneider

1 A. Of course.

2 Q. You had a dream of studying in New York City?

3 A. Yes.

4 Q. You had a dream of having \$20,000 after you worked in
5 Westchester for a year?

6 A. That was not a dream that I had all my life but that
7 was a promise that he had made that at the end of one
8 year, I would get paid \$20,000 for my work as a bonus.
9 And he also promised that I would receive a work permit,
10 a green card.

11 Q. And those are some of the things you were interested
12 in -- interested in obtaining.

13 A. Of course.

14 Q. At some point, when you would lie in bed with him, he
15 would start to touch you again, touch your breasts, touch
16 every part of your body; is that correct?

17 A. Correct.

18 Q. And again, initially you resisted. You asked him to
19 stop.

20 A. Yes.

21 Q. He was persistent however, and eventually you allowed
22 him to touch you; is that right?

23 A. By the time; yeah. After a while; yes.

24 Q. In fact, you testified yesterday that you had the
25 feeling that you were wax in his hand; do you remember

Ms. Yagoub - Cross - Mr. Schneider

1 that?

2 A. What do you mean by wax in his hand?

3 Q. Well, I am going to show you the transcript from
4 yesterday, page --

5 MR. SPECTOR: Objection, Judge. It seems the
6 witness just misheard the question.

7 A. Yes. I'm sorry, I just didn't understand the term in
8 English; yeah.

9 Q. Oh, okay. I'm going to show you what's been
10 previously marked into evidence as Defendant's Exhibit
11 P-1. We can show this to the jury.

12 Have you ever seen that picture before?

13 A. I have seen that yesterday when Mr. Spector showed it
14 to me for the first time when he asked me the same
15 question like you now.

16 Q. Okay.

17 A. Yeah.

18 Q. And is that Joanna?

19 A. This is Joanna; yeah.

20 Q. And Joanna was in the house when you arrived?

21 A. Yes.

22 Q. And at some point, both you and Joanna were in
23 Mr. Yannai's bed with him; is that right?

24 A. Right.

25 Q. Did that happen just once?

Ms. Yagoub - Cross - Mr. Schneider

1 A. That happened once; yes.

2 Q. Now Mr. Yannai hadn't forced you into the bed,
3 meaning he hadn't physically grabbed you and placed you
4 in bed with him; had he?

5 A. That's correct. There were no visible checks, so-to-
6 speak, cuffs -- handcuffs or anything like that.
7 Visible, no visible constraints.

8 Q. And when you were in bed with Joanna and Mr. Yannai,
9 he asked you to touch Joanna's body; is that right?

10 A. No -- yes.

11 Q. And you did that?

12 A. As I testified yesterday, I started doing that but
13 then I stopped doing it because I just couldn't continue.

14 Q. Well when you stopped, did he threaten to hit you if
15 you didn't start again?

16 A. No.

17 Q. Did he make you start again after you stopped?

18 A. No, he did not physically force me to continue but he
19 used words. He talked to me. And I do not remember
20 exactly how it eventually stopped but it did stop.

21 Q. Did he call you selfish?

22 A. Yes, and more.

23 Q. As you look back on this time, it's all very
24 embarrassing; yes?

25 A. It was not just embarrassing, it was painful and I

Ms. Yagoub - Cross - Mr. Schneider

1 remember that back then, I was desperate.

2 Q. Mr. Yannai often told you he loved you; right?

3 A. And the whole situation was corrupt.

4 Q. That's your view, it was corrupt?

5 A. Yes.

6 Q. You're mad at him, that fat old guy; right?

7 A. Oh, yes.

8 Q. You don't like him?

9 A. No.

10 Q. You testified yesterday when Mr. Spector asked you a
11 question, I'm going to read it exactly, it's on page 472
12 of yesterday's transcript. Mr. Spector asked you:

13 "Question: During the time that this was
14 happening, did you feel like you were able to say no to
15 him?

16 "Answer: No, not really. Today I think I
17 could have said no but back then I was just out of
18 school. I was not able to do that."

19 Do you remember that answer?

20 A. I remember that answer; yes.

21 Q. So today, what four years later, you're older, you're
22 more mature --

23 A. I --

24 Q. Five -- sorry, five years later, you're older, you're
25 more mature; correct?

Ms. Yagoub - Cross - Mr. Schneider

- 1 A. Much more mature; yes.
- 2 Q. But you're basically the same size; right? Are you
- 3 any taller than you were then?
- 4 A. I am the same size since I'm fourteen.
- 5 Q. And he looks to be the same size; right?
- 6 A. He's sixty-seven now and when I met him he was sixty-
- 7 two.
- 8 Q. Right. But he's still fat like he was back then.
- 9 A. Not my words but yes, the same body; yes.
- 10 Q. So when you said you think now you could say no, you
- 11 meant that you yourself would now have the fortitude to
- 12 say no; right?
- 13 A. That you now would have the what?
- 14 Q. Fortitude.
- 15 A. Yes, but also because of the experience what
- 16 happened, so I learned. Of course, I learned of that and
- 17 I will never forget it all my life but I learned of it,
- 18 of course.
- 19 Q. Now when you were in the house, Mr. Yannai would
- 20 often tell you that he loved you; correct?
- 21 A. Yes, he said that.
- 22 Q. He said that every day; right?
- 23 A. Yeah. Yes.
- 24 Q. He wanted you to tell him that you loved him; right?
- 25 A. Yes, even if I lied he said.

Ms. Yagoub - Cross - Mr. Schneider

- 1 Q. He said, "I don't care if you lie, just tell me you
2 love me." Right?
- 3 A. Exactly.
- 4 Q. But you wouldn't do it, would you?
- 5 A. No.
- 6 Q. You refused.
- 7 A. Yes.
- 8 Q. You said no.
- 9 A. I don't remember. I said once I said it. This is
10 when he said, "Even if you lie, say it." And once I said
11 it but I never -- when he said it, I never answered.
- 12 Q. Now you never had intercourse with Mr. Yannai;
13 correct?
- 14 A. Correct.
- 15 Q. Or oral sex?
- 16 A. Thank God, no.
- 17 Q. He never forced you to do either of those things;
18 correct?
- 19 A. Correct.
- 20 Q. But at one point you did have a discussion with him
21 about whether you would have sex with him; do you
22 remember that?
- 23 A. I remember that; yes.
- 24 Q. And you told him "There's no way I would ever have
25 sex with you;" right?

Ms. Yagoub - Cross - Mr. Schneider

- 1 A. Right.
- 2 Q. Do you remember what he said?
- 3 A. He told me that one day I would be on my knees
- 4 begging him to go to bed with me and I told him never.
- 5 Q. He told you, "No, one day you're going to beg me to
- 6 have sex with you." Yeah?
- 7 A. Yes.
- 8 Q. Did he seem to believe that?
- 9 A. Whether he seemed to believe that?
- 10 Q. Yeah, did he seem to believe that?
- 11 A. I guess so; yes.
- 12 Q. Now in the house you had your own room; right?
- 13 A. Right.
- 14 Q. There's closets in the room; is that right?
- 15 A. Yes.
- 16 Q. You could keep your stuff in there?
- 17 A. Yes.
- 18 Q. You had your passport with you?
- 19 A. I don't remember; yeah.
- 20 Q. Well, did he -- did Mr. Yannai ever --
- 21 A. I don't know. I don't remember but I think I had it
- 22 with me, but I am not sure.
- 23 Q. Well do you remember Mr. Yannai taking it from you
- 24 and hiding it?
- 25 A. I just don't remember whether I had it. Maybe I did

Ms. Yagoub - Cross - Mr. Schneider

- 1 but I am not sure.
- 2 Q. You had a little bit of money.
- 3 A. A very, very small amount.
- 4 Q. And you could close the door to that room; yeah?
- 5 A. No, I could not do that.
- 6 Q. You couldn't close the door?
- 7 A. You mean close or lock?
- 8 Q. I mean close.
- 9 A. Yes, yes, that I could.
- 10 Q. And would -- you spoke to Joseph in your room at
- 11 least two times; is that right?
- 12 A. During the entire time that I was at his house?
- 13 Q. Yes.
- 14 A. No, more often I think. I don't know.
- 15 Q. Well, I don't know, I said at least two.
- 16 A. I think so; yes.
- 17 Q. But Joseph, Elena and Joanna treated that room like
- 18 it was yours, meaning it was your private space.
- 19 A. Well, Joseph did come into that room.
- 20 Q. I understand but did he knock before he came in?
- 21 A. I think so.
- 22 Q. And after you arrived at the house, you were able to
- 23 call your family in Germany?
- 24 A. That's true.
- 25 Q. You spoke to them in German; yeah?

Ms. Yagoub - Cross - Mr. Schneider

1 A. Yes.

2 Q. Do you have any knowledge about whether Mr. Yannai
3 speaks German?

4 A. As far that I know, not, no.

5 Q. And when you spoke to your family, you didn't tell
6 them, "Look, the old man's hitting on me. I want to
7 leave;" correct?

8 A. Well, why should I say he hit me if he didn't hit me?

9 Q. I'm sorry. I'm sorry, that was an idiom. I didn't
10 say -- I said hitting on. You didn't tell him that the
11 old man was making sexual advances towards you?

12 A. That's right. I did not mention that on the
13 telephone in the hope that he would stop doing that but I
14 did sort of between the lines mention it in my e-mails.

15 Q. Either by phone or e-mail, you never contacted
16 somebody, your family or friends, and said "I need to
17 leave this place. I need to be rescued;" did you?

18 A. Yes, I did.

19 Q. Who did you tell?

20 A. I know that once I wrote to a friend asking her
21 whether she could try to find an apartment for me in New
22 York City because I just had to leave this house. And I
23 also mentioned in e-mails that I refused to have physical
24 contacts with him. That I was not willing to go into a
25 physical relationship.

Ms. Yagoub - Cross - Mr. Schneider

1 THE INTERPRETER: Sorry. I misunderstood.

2 A. That I said in my e-mails that I did not want to go
3 into the fact -- okay. And I mentioned at the end of an
4 e-mail that I do not want to mention physical contact.

5 Q. Meaning -- let me stop you there. Meaning that you
6 wrote to somebody, "I don't want to talk about the
7 physical stuff that's going on?"

8 A. Yeah, that was the last sentence of a long, longish
9 e-mail.

10 Q. Now we established that you arrived in New York on
11 March 12; correct?

12 A. Correct.

13 Q. I'm going to show you what's been previously marked
14 as Government Exhibit 3500-NY-16. I'm just going to show
15 you it to and ask you if you recognize that.

16 A. I recognize that; yes.

17 Q. What is it? What is it?

18 A. This was a collection of letters that I compiled
19 addressed to my brother but I never sent them to him.

20 Q. Did you write them when you were at the house in
21 Pound Ridge?

22 A. Yes.

23 Q. And did you keep them when you went to New York City
24 and then back to Austria?

25 A. Yes.

Ms. Yagoub - Cross - Mr. Schneider

1 Q. And you were able to call your -- I think you
2 testified yesterday that your phone privileges were
3 restricted at some point?

4 A. Yes, that's true.

5 Q. But you were able to call your mother at least three
6 weeks after you had arrived; do you remember that?

7 A. I don't remember that.

8 Q. I'm going to show you --

9 A. Well on the other hand, I would not have stopped a
10 car to take me to a telephone -- to a pay station which
11 is not exactly without risk.

12 Q. Well let's talk about that. You would go to town
13 once in a while; right?

14 A. Yes.

15 Q. And you would go up to the road that runs right in
16 front of the house; right?

17 A. Yes.

18 Q. And you would start walking towards town and you
19 would hitchhike along the way.

20 A. Yes.

21 Q. And you did that how often?

22 A. I do not exactly recall but I would say at least once
23 a week.

24 Q. And how many weeks were you there; do you know?

25 A. About one month.

Ms. Yagoub - Cross - Mr. Schneider

- 1 Q. So four or five weeks?
- 2 A. Yes.
- 3 Q. And when you got to town, you would use a pay phone
- 4 to call Europe?
- 5 A. Yes.
- 6 Q. You had bought a phone card?
- 7 A. Uh-huh.
- 8 Q. You have to answer yes or no.
- 9 A. Sorry; yes.
- 10 Q. And who would you call from town?
- 11 A. My family.
- 12 Q. Your brother?
- 13 A. For example, yes.
- 14 Q. Maybe your mother?
- 15 A. Maybe, too; yes. I think I talked to my brother on
- 16 the telephone because he told me during that conversation
- 17 that my mother was at the hospital. She was at the
- 18 hospital at the end of March, early April.
- 19 Q. I'm going to show you what's been previously marked
- 20 Government Exhibit 3500-NY-16. And I think it's page 5.
- 21 Just at the top, you can look at that and tell me if it
- 22 refreshes your recollection about whether you spoke to
- 23 your mother on the phone. I think it's --
- 24 A. Uh-huh. Should I translate that or --
- 25 Q. No, no.

Ms. Yagoub - Cross - Mr. Schneider

1 A. No, okay.

2 Q. I'm just -- just look at it. Now did you talk to
3 your mother on the phone?

4 A. Can I see it again, please?

5 Q. Sure.

6 THE INTERPRETER: The witness asked me to
7 translate this sentence.

8 MR. SCHNEIDER: I don't need you to translate
9 the sentence.

10 Q. I'm just asking you now if you now recall if you
11 spoke to your mother on the phone?

12 A. Yes, when she was in the hospital; yes.

13 Q. And can you say -- tell what date it was you spoke to
14 her?

15 A. 2nd April.

16 Q. So you spoke to your mother on the phone April 2.

17 A. Yes.

18 Q. That was about -- you had been in the house three
19 weeks then; right?

20 A. Yes.

21 Q. Mr. Yannai had been touching your body; correct?

22 A. Yes.

23 Q. You didn't tell your mother about that; right?

24 A. Right.

25 Q. And you didn't tell your brother about that.

Ms. Yagoub - Cross - Mr. Schneider

1 A. Right.

2 Q. When you would go hitchhike to town, did

3 Mr. Yannai --

4 A. Excuse me. Can I correct myself?

5 Q. Absolutely.

6 A. Yeah, because I wrote, for example -- to my brother,
7 I wrote that indirectly. I had -- I exchanged frequent
8 e-mails with my brother and at the end of one of these e-
9 mails, I said "And I do not want to talk about physical
10 contacts." So in a way I did inform or tell my brother
11 about it. And I sent the same e-mail to a girlfriend.

12 Q. Other than those two instances where you said "I
13 don't want to discuss the physical aspects," you didn't
14 tell anybody anything else about what was happening in
15 the house, about Mr. Yannai touching you; correct?

16 A. Correct.

17 Q. When you would go to town, Mr. Yannai knew you were
18 going to town; is that right?

19 A. Well, he didn't really know where I was going. He
20 kept refusing me to use his telephone. So I told him "I
21 am going to look for a payphone" and he said, "Okay, go."
22 But he didn't know where I went to look for a payphone.

23 Q. But he knew you were leaving the house?

24 A. Yes.

25 Q. He didn't stop you from leaving the house; did he?

Ms. Yagoub - Cross - Mr. Schneider

1 A. No.

2 Q. While you were at the house in Pound Ridge, you went
3 on a day trip to New York City; is that right?

4 A. With Mr. Yannai, you mean?

5 Q. Yes.

6 A. Yes.

7 Q. And did Joanna go with you?

8 A. Yes, Joanna and Elena.

9 Q. And what did you do in New York City that day?

10 A. We went to a Chinese restaurant.

11 Q. Is that all?

12 A. I don't recall exactly but I think that's pretty much
13 all we did that day.

14 Q. While you were in the house, sometimes Mr. Yannai
15 would take you when he ran errands?

16 A. Yeah, it happened maybe once, maybe twice a week.

17 Q. And would he take you to eat lunch out at a
18 restaurant sometimes?

19 A. Well, you can count it on one hand, the number of
20 times we ate out, maybe three times.

21 Q. What about dinner? Did you ever eat dinner out at a
22 restaurant?

23 A. We never had lunch in a restaurant. We never had
24 lunch outside. I remember that once he and Elena and
25 Joanna and I went to a Vietnamese restaurant. Most of

Ms. Yagoub - Cross - Mr. Schneider

1 the time, we had our meals at home and we ordered the
2 food from the internet.

3 Q. Did -- during the day, did Mr. Yannai ever take
4 Joanna out to run errands and leave you home by yourself?

5 A. I was never all by myself in the house.

6 Q. Never?

7 A. As far as I remember, I was never all by myself in
8 the house.

9 Q. Now at some point when you were in the house,
10 Mr. Yannai and Elena went on a trip to Turkey; do you
11 remember that?

12 A. That's not true.

13 Q. Was it just Mr. Yannai who went to Turkey?

14 A. Yes, it was just Mr. Yannai.

15 Q. Was Elena working at that point?

16 A. Yes.

17 Q. She was working outside the house?

18 A. Yes.

19 Q. And Mr. Yannai's trip, he left on April 1 and he came
20 back on April 5; is that right?

21 A. I don't remember exactly but it was something like
22 that. He was gone for three, four days.

23 Q. I'm going to show you again, Government Exhibit 3500-
24 NY-16. I don't need you to read it out loud, I am just
25 going to use it to refresh your recollection; okay? So

Ms. Yagoub - Cross - Mr. Schneider

1 if you direct your attention to the date of this writing
2 and that if you read this line. Ms. Yagoub, I'm just
3 asking if that refreshes your recollection about when
4 Joseph was in Turkey.

5 A. Yeah, I didn't say that the date you mentioned was
6 wrong. I just said that I couldn't recall the exact
7 date.

8 Q. I'm not trying -- I didn't say you did. I'm just
9 trying to refresh your recollection.

10 A. Thank you.

11 Q. So, Joseph went to Turkey from February (sic) 1 to
12 February 5?

13 A. Yes.

14 MR. SPECTOR: Objection.

15 Q. I'm sorry, April 1 to April 5. Right? April 1 to
16 April 5

17 A. Yes.

18 Q. Okay. And at least for some of those days, Elena was
19 at work from 7:00 in the morning till 7:00 or 8:00 at
20 night; is that right?

21 A. Yes.

22 Q. And you were home alone with Joanna; right?

23 A. Yes.

24 Q. Now you could have called your family from the house
25 then; yes?

Ms. Yagoub - Cross - Mr. Schneider

- 1 A. Not really because Joanna had been asked by Joseph to
2 keep an eye on me and to watch everything I was doing.
3 So she would have reported on my using the telephone,
4 writing and reading e-mails, et cetera.
- 5 Q. Joanna -- well, how did you know that?
- 6 A. He told us that before he left.
- 7 Q. And you believed Joanna was going to follow his
8 instructions?
- 9 A. I had hoped that she would be relaxed but it didn't
10 happen. At one point, I said "I am going to send an
11 e-mail" and she said, "You better don't do it. I will
12 tell him about it."
- 13 Q. Now do you recall a time when you plugged in a space
14 heater downstairs near the computer area?
- 15 A. Yes, because I was cold.
- 16 Q. And it created an electrical problem; do you remember
17 that?
- 18 A. Correct.
- 19 Q. Well what exactly happened? Did the computers go off
20 or did an alarm go off?
- 21 A. Yes, all of the sudden the computers didn't work
22 anymore and there was an alarm system that went on or
23 beeping sounds.
- 24 Q. So what did --
- 25 A. And so, Joanna suggested that -- she wanted to call

Ms. Yagoub - Cross - Mr. Schneider

1 Joseph but the phone were out of order, too. So I
2 suggested that I was going to try to find a neighbor to
3 help us and I finally did find a neighbor who came over
4 to help us.

5 Q. So you went to a nearby house; right?

6 A. Yes, I tried to get the attention of a neighbor and
7 the third attempt was successful, somebody opened the
8 door.

9 Q. And that person came to the house and helped you turn
10 the power back on?

11 A. Yes.

12 Q. You didn't tell that person about what -- that
13 Mr. Yannai had been touching you; right?

14 A. It was a total stranger. This was a hectic
15 situation. All we tried to do is get rid of this alarm
16 system because it was still beeping all over the house.

17 Q. This person seemed pretty helpful though; yeah?

18 A. Yeah, it was the way a neighbor would help you to get
19 your electricity back.

20 Q. I'm going to ask you about your drive to the lake
21 now, okay?

22 A. Okay.

23 Q. You and Joseph drove to a lake; right?

24 A. Right.

25 Q. This was before he went on his trip to Turkey; is

Ms. Yagoub - Cross - Mr. Schneider

1 that right?

2 A. Right.

3 Q. Do you remember how many days before?

4 A. I think -- I don't recall but I think it was briefly
5 before his departure -- shortly before his departure.

6 Q. So within a week, do you think?

7 A. I think it was less than a week because we wrote this
8 agreement, this contract and he said after his return
9 from his trip, I should have made up my mind which option
10 I was going to choose.

11 Q. And we know his trip started on April 1.

12 A. We know; yes.

13 Q. And when you got to the lake, you stayed in the car;
14 correct? When you arrived at the lake, you remained in
15 the car?

16 A. Yes.

17 Q. Joseph spoke to you?

18 A. Yes.

19 Q. He told you he didn't like how things were going in
20 the house with you?

21 A. Yes.

22 Q. He didn't like you talking back to him?

23 A. Correct.

24 Q. He said you were selfish, that you were self-
25 centered?

Ms. Yagoub - Cross - Mr. Schneider

- 1 A. Among other things.
- 2 Q. Ms. Yagoub, I understand you want to explain
- 3 yourself. If you ever want to, you could just ask me but
- 4 to make this go a little bit faster --
- 5 A. Yes
- 6 Q. -- if I ask you a question that's --
- 7 A. Yes.
- 8 Q. -- calls for a yes or no, could you give me a yes or
- 9 a no?
- 10 A. Yes.
- 11 Q. Thanks. He told you he loved you; right?
- 12 A. Yes.
- 13 Q. He tried to kiss you?
- 14 A. Yes.
- 15 Q. Did you let him kiss you?
- 16 A. No.
- 17 Q. You pushed him away; right
- 18 A. Yes.
- 19 Q. And then you said he pulled you close to him; right?
- 20 A. Yes.
- 21 Q. And he put his hands inside your pants or your
- 22 pantyhose?
- 23 A. Yes.
- 24 Q. And he touched your vagina?
- 25 A. Yes.

Ms. Yagoub - Cross - Mr. Schneider

- 1 Q. Did he insert a finger in your vagina?
- 2 A. Yes.
- 3 Q. Was he holding you at that time?
- 4 A. Yes.
- 5 Q. Did you tell him to stop?
- 6 A. Yes.
- 7 Q. Did he eventually stop?
- 8 A. After a time; yes.
- 9 Q. Now you have been interviewed several times by law
- 10 enforcement agents and prosecutors; correct? Have you
- 11 been interviewed several times about the facts of this
- 12 case?
- 13 A. Yes.
- 14 Q. And do you recall the first time you spoke to Agent
- 15 Roethel on the phone?
- 16 A. To who?
- 17 Q. Donna.
- 18 A. You mean the very, very first time or --
- 19 Q. Yeah, the very first time.
- 20 A. Like a year ago?
- 21 Q. Yes.
- 22 A. Yes.
- 23 Q. And do you remember she called you and spoke to you
- 24 but you didn't have time to speak to her; do you remember
- 25 that?

Ms. Yagoub - Cross - Mr. Schneider

1 A. That's possible; yes.

2 Q. And then you arranged a better time where you could
3 spend more time answering her questions.

4 A. Yes.

5 Q. And on that time, you had a phone conversation with
6 Donna. You answered her questions about what happened to
7 you in Pound Ridge; correct?

8 A. Yes, correct.

9 Q. You didn't mention to her this incident in the lake
10 where Mr. Yannai put his hands in your pants; correct?

11 A. Well I did not talk to Donna about it because it was
12 an event that I didn't like to think back to but I did
13 mention it but I didn't go into details. Later on, I
14 explained the details to an Austrian officer, this is
15 Mrs. Magloch (ph.), when we were sitting together, face-
16 to-face.

17 MS. CESARE: May we have a break?

18 (Court recessed.)
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Proceedings

1 (Court reconvened outside the presence of the
2 jury.)

3 THE COURT: The government -- you don't have to
4 translate this. The government has given me a copy of
5 their letter of May 24 and they want me to so order it.
6 What am I so ordering?

7 MS. CHEN: Your Honor, the government seeks a
8 protective order relating to certain 3500 or potential
9 3500 material for this witness. Specifically --

10 MR. SPECTOR: Not this witness, the next
11 witness.

12 THE COURT: So why am I dealing with this now?

13 MS. CHEN: Well, I mean we just thought it
14 would be efficient, so that they could --

15 THE COURT: Well, you don't --

16 MS. CHEN: I don't know why you're dealing with
17 it now, to be honest, your Honor.

18 THE COURT: The truth of the matter is is that
19 you don't want to give him stuff. You want me to sign a
20 protective order that you not turn over certain material.

21 MS. CHEN: We are turning over --

22 THE COURT: To what you're turning over, I
23 don't need to sign an order.

24 MS. CHEN: That's correct. But we also ask for
25 certain protections, even as to that material which is

Proceedings

1 not to disseminate it, beyond the trial team and to
2 destroy it or return it to the government after the
3 trial's over.

4 THE COURT: Will you have any objection to
5 that?

6 MS. CESARE: No.

7 THE COURT: Okay. So I so order it. I'm not
8 so ordering this letter which suggests that I'm agreeing
9 with you necessarily on the rest of it.

10 MS. CHEN: That's fine, your Honor.

11 THE COURT: Okay.

12 MR. SPECTOR: Thank you, Judge.

13 MS. CESARE: Thank you, Judge.

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Ms. Yagoub - Cross - Mr. Schneider

1 (Jury enters the courtroom.)

2 THE CLERK: Please be seated.

3 BY MR. SCHNEIDER:

4 Q. So, Ms. Yagoub, when we broke, I think you were
5 answering my question about whether you told Donna on
6 your phone conversation about a year ago about Mr. Yannai
7 putting his hands in your pants at the lake. Yes?

8 A. Yes.

9 Q. And I believe you said that you didn't tell her that
10 specifically because it was too embarrassing; was that
11 your answer?

12 A. This is what I answered; yes.

13 Q. And last week, you met with Mr. Silverman. You see
14 the young man with the beard at my table; do you
15 recognize him?

16 A. I do; yes.

17 Q. And you -- he asked you some questions about the
18 case; right?

19 A. Right.

20 Q. In the lobby of the Marriott, just down the block;
21 right?

22 A. Right.

23 Q. And you spoke to him about the case; right?

24 A. I spoke --

25 THE COURT: If he asked her some questions,

Ms. Yagoub - Cross - Mr. Schneider

1 then it's obvious that she spoke to him about the case.

2 Could we move this along a little bit?

3 MR. SCHNEIDER: Yes.

4 Q. And there was a young lady with him.

5 A. Yes.

6 Q. And they asked you about what happened at the lake.

7 A. Yes.

8 Q. And you didn't tell them about Mr. Yannai putting his
9 hands in your pants; is that right?

10 A. They didn't ask me about it, I think. I don't
11 remember. First of all, they pretended to be of us, so I
12 thought I would -- if I had known that they were from the
13 opposing side, I certainly would not have talked to them,
14 especially -- but the gentleman with the glasses said to
15 me, "Isn't Joseph a devil?" And I said, "Yes, he is a
16 devil."

17 Q. That man didn't give you a card?

18 A. After our conversation when he came back, twice. I
19 mean when he came back for a second time. He left and
20 then he came back to give me a card.

21 Q. You wouldn't have spoken to him if you knew he worked
22 for Joseph?

23 A. No.

24 Q. Why not?

25 A. Why should I talk to anybody who is on his side?

Ms. Yagoub - Cross - Mr. Schneider

1 Q. When you first got to the house, Elena didn't work
2 outside the house; correct?

3 A. Correct.

4 Q. And for how long -- after how long did she get a job
5 outside the house?

6 A. I'm not quite sure but I believe it was after
7 something like after two weeks or maybe ten days.

8 Q. Did you think that Elena knew that Joseph was
9 touching you?

10 A. I always ask myself this same question; does this
11 woman know what is going on here? Does she see it or
12 does she not see it? I kept asking that to myself.

13 Q. Did you ever tell her?

14 A. No.

15 Q. Why not?

16 A. Because she, this woman adored this man. She told
17 him -- she told us about his personality and how his
18 character and how we should handle him. And she
19 supported him. She was a very strong woman, supporting a
20 strong man. And that's the reason why it would have
21 never occurred to me to tell her about what was going on
22 in the house.

23 Q. So it was you feared that she would just take
24 Joseph's side?

25 A. I was not afraid. I didn't fear anything but it -- I

Ms. Yagoub - Cross - Mr. Schneider

1 would not have come to my mind to tell her about these
2 things because she was married to him. She obviously
3 loved him. After all, they had been married for twenty
4 years or more and they had lived in the same house and
5 why would she trust or believe a girl who had just spent
6 two weeks in the house? Those were the thoughts going
7 through my head.

8 Q. I'm going to show you what's been previously marked
9 as Defendant's Exhibit JY-1. Do you recognize that,
10 Ms. Yagoub?

11 A. I recognize that; yes.

12 Q. What is it?

13 A. It's the book that Joseph published as it says here
14 in 2004, 2005.

15 MR. SCHNEIDER: I move it into evidence.

16 MR. SPECTOR: No objection.

17 THE COURT: It's admitted.

18 (Defendant's Exhibit JY-1 marked in evidence.)

19 Q. Joanna, I think we discussed, was at the house when
20 you arrived.

21 A. Yes.

22 Q. Did she speak German?

23 A. English and Polish.

24 Q. You don't speak Polish, do you?

25 A. No.

Ms. Yagoub - Cross - Mr. Schneider

1 Q. Were you friendly with her?

2 A. Yes.

3 Q. And there was a period of time from April 1 to 5th
4 where Joseph was away in Turkey; yes?

5 A. Yes.

6 THE COURT: How many times are we going to go
7 over this?

8 Q. You were at home alone with Joanna for those days; is
9 that right?

10 A. Uhm.

11 Q. When Elena went to work?

12 A. Not completely right because Elena was in the
13 house -- yes.

14 Q. And did you discuss with her that Joseph had been
15 touching you?

16 A. Yes.

17 Q. And did you -- you witnessed Joanna and Joseph having
18 sexual contact?

19 MR. SPECTOR: Objection.

20 THE COURT: Overruled.

21 A. Yes.

22 Q. In fact, at one point you were in bed and you
23 believed that Joanna was having oral sex with Joseph;
24 yes?

25 A. Yes, I was there when they did it and he turned my

Ms. Yagoub - Cross - Mr. Schneider

1 head away, so I wouldn't see it.

2 Q. You didn't see Joseph ever hit Joanna; did you?

3 A. No.

4 Q. Joseph would also tell Joanna that he loved her. Did
5 you hear him say that?

6 A. Yes.

7 Q. And she would tell him that she loved him?

8 MR. SPECTOR: Objection.

9 THE COURT: Overruled.

10 A. Only after he asked her to say that she loved him.

11 Q. Did you ever have an argument with Joanna?

12 A. No.

13 Q. Now you testified yesterday that at one point when
14 you and Joanna were in bed with Mr. Yannai that he was
15 lying on you.

16 A. Yes.

17 Q. Did you ask him to get off you?

18 A. Yes.

19 Q. Did he get off?

20 A. No.

21 Q. Was Joanna there at the time?

22 A. Yes.

23 Q. Did you try to leave the room?

24 A. Your previous question was whether Joseph was lying
25 on top of me and I said yes. How could I possibly leave

Ms. Yagoub - Cross - Mr. Schneider

- 1 the room?
- 2 Q. At some point, he wasn't lying on you anymore; right?
- 3 A. Right.
- 4 Q. Did you leave the room?
- 5 A. Yes.
- 6 Q. Immediately?
- 7 A. I guess so; yes.
- 8 Q. Was Joanna there at that time?
- 9 A. Yes.
- 10 Q. Now when you came to New York in March, you had --
- 11 you just had your passport. You were traveling on your
- 12 passport; correct?
- 13 A. Correct.
- 14 Q. You didn't have a visa issued; correct?
- 15 A. Yes, I had a tourist visa.
- 16 Q. You understand that with Austrian passport, you
- 17 automatically have what's called a visa waiver. You can
- 18 come as a tourist without --
- 19 A. Yes.
- 20 Q. -- going to embassy.
- 21 A. Yes.
- 22 Q. But you were coming for work.
- 23 A. Yes.
- 24 Q. And you knew you didn't have a work visa.
- 25 A. Yes.

Ms. Yagoub - Cross - Mr. Schneider

1 Q. And you told them at the airport that you were coming
2 to visit friends.

3 A. I do not remember exactly what I told immigration
4 because I do not exactly remember their question to me.
5 But I did tell them that I came as a visitor.

6 Q. Okay. And you understand the government's not going
7 to prosecute you for that crime; correct?

8 A. Could you repeat your question?

9 Q. You understand the government will not prosecute you
10 for that crime.

11 A. Yes.

12 Q. And, in fact, the government arranged for you to get
13 a lawyer to discuss that issue with you; right?

14 A. Yes.

15 Q. Did you ask for a lawyer or they suggested it?

16 A. Of course I asked for some guarantee that if I appear
17 as a witness that nothing can be hold against me.

18 Q. You asked for that guarantee?

19 A. Of course; yes.

20 Q. You were interested in obtaining permission to live
21 and work in the United States, correct, back in March of
22 2006?

23 A. I just want to say I am sorry but I like her to
24 translate all the time. It's just because I want to be
25 sure about what you say, you know?

Ms. Yagoub - Cross - Mr. Schneider

1 Q. That --

2 A. I'm sorry.

3 Q. That's fine.

4 A. Yeah. Yes, that's true; yes.

5 Q. And, in fact, when you were here, you paid attention
6 to the political debate about whether people here
7 illegally were going to be granted work permission.

8 A. Yes. Yes. When I was with Joseph, I did follow the
9 debate but mostly because he kept me and Joanna informed
10 about this debate and the issue. Before then, I have
11 never heard of anything about this debate. He was the
12 first one to make me aware of it.

13 Q. But you were interested in it because it raised the
14 possibility that you would be able to get permission to
15 live and work in the United States.

16 A. Well, I was never interested in being here illegally.
17 I had done -- I'd come here as a visitor upon Joseph's
18 suggestion. But then, it seemed to be interesting or
19 seemed to make sense that I stayed beyond the expiration
20 date of my visa because then I would be here illegally
21 and maybe would qualify for this new law that granted
22 legal status to illegal immigrants. And that's how
23 Joseph explained to me how we would go about this whole
24 issue.

25 Q. You came to New York in April to meet with the

Ms. Yagoub - Cross - Mr. Schneider

1 prosecutors; correct?

2 A. Correct.

3 Q. And when you met with them, they asked you questions
4 about what happened in New York City after you left the
5 Pound Ridge house.

6 A. Yes.

7 Q. And you weren't entirely honest with them; right?

8 A. Right.

9 Q. You didn't tell them the truth about the relationship
10 you had with the man who you met at Grand Central
11 Station; right?

12 A. Not right. We didn't really have -- I really didn't
13 have a relationship to this young man. It was just one
14 time very short, brief and not much happened. So I --
15 you really cannot talk about a relationship between me
16 and this young man.

17 Q. But you didn't tell them about your relationship
18 with, I think his name is Tom, that you met at the
19 restaurant; is that right?

20 A. Timothy.

21 Q. Timothy; is that right?

22 A. That's right.

23 Q. And did you not tell them because you were
24 embarrassed to talk about that with them?

25 A. No, I was not embarrassed. I thought that that would

Ms. Yagoub - Cross - Mr. Schneider

1 be -- my privacy what happened after the house, I just
2 thought it's not -- it has nothing to do with the case.

3 Q. But you didn't tell them I don't want to discuss that
4 with them. You told them something that wasn't true; is
5 that right?

6 A. It's not correct. I did tell them that I met Timothy
7 but I did not tell them about the fact that we fell in
8 love with each other.

9 Q. Okay.

10 A. And the reason why I concealed this was because I
11 didn't want to get Timothy involved in this case and
12 didn't want him to be summoned by the Court because he
13 really has nothing to do with it.

14 Q. And you didn't tell them that you had been fired from
15 your waitressing job?

16 A. True.

17 Q. Now after you left the Pound Ridge house, you sent an
18 e-mail to Joseph; yes?

19 A. Yes.

20 Q. I'm going to put on the screen what's been previously
21 marked as Defendant's Exhibit NY-2 for identification
22 only. Do you recognize this, Ms. Yagoub?

23 A. Yes.

24 Q. Is that the e-mail that you sent to Joseph?

25 A. Yes.

Ms. Yagoub - Cross - Mr. Schneider

1 MR. SCHNEIDER: I'm going to move it into
2 evidence.

3 MR. SPECTOR: Objection. Hearsay.

4 THE COURT: You're going to move which? The
5 e-mail that she --

6 MR. SCHNEIDER: That she sent to Joseph.

7 THE COURT: Can I see it?

8 MR. SCHNEIDER: Yes, is it on the screen?

9 THE COURT: I'm sorry. It's easier for me.
10 Overruled.

11 (Defendant's Exhibit NY-2 marked in evidence.)

12 MR. SCHNEIDER: May I publish it?

13 Q. So this was sent April 7; right?

14 A. Right.

15 Q. And do you remember where -- from where you sent this
16 e-mail?

17 A. From Tunc's apartment from the -- from his computer.

18 Q. And did you send it the same night -- well, the same
19 night that you arrived there?

20 A. I can't remember.

21 Q. Okay. Joseph came back from Turkey on April 5. Yes?

22 A. Yes, I -- yes.

23 Q. You were in New York at least by 9 p.m. April 7.
24 Yes?

25 A. Possibly; yes.

Ms. Yagoub - Cross - Mr. Schneider

1 Q. Do you remember yesterday testifying about how after
2 Joseph came back from Turkey that you chose option 2 of
3 the contract?

4 A. Yes.

5 Q. And that it didn't seem to matter to him. He kept on
6 doing the same thing; right?

7 A. Yes.

8 Q. But you were there for maybe one day after that;
9 correct?

10 A. Correct. I think so with the dates; yes. I did not
11 -- I haven't analyzed the exact time frame but looking at
12 this date here, that it sounds right.

13 Q. Well, we established earlier from your letter that
14 you wrote to your brother that Joseph was in Turkey from
15 April 1 to April 5; correct?

16 A. Correct.

17 Q. You sent this e-mail from the house in Queens that
18 you arrived in the day you left Pound Ridge; right?

19 A. Right.

20 Q. You may have sent it the day you arrived. You may
21 have sent it the next day. You don't know; correct?

22 A. Correct.

23 Q. So you either left Pound Ridge on April 6 or April 7;
24 is that fair to say?

25 A. Yes, I guess.

Ms. Yagoub - Cross - Mr. Schneider

1 Q. And when you sent this, there's this blacked-out
2 portions here. Do you see that?

3 A. Yes.

4 Q. That was your actual address where you were staying.

5 A. Yes.

6 Q. You weren't afraid to give that to Mr. Yannai; were
7 you?

8 A. No.

9 Q. You weren't afraid he was going to come hunt you
10 down; were you?

11 A. My plan was to stay at this address very briefly,
12 maybe one, two, three days.

13 Q. Well, did you expect the CD to arrive there?

14 A. Yes, that was an address where something could be
15 sent to me. I could have gotten in touch with Tunc to
16 get that CD later.

17 Q. Did you get the CD?

18 A. Never; no.

19 Q. You said that before you actually left the Pound
20 Ridge house, you had packed your back once intending to
21 leave; right?

22 A. Right.

23 Q. And Joseph came to talk to you.

24 A. Right.

25 Q. And I think you testified yesterday that he was

Ms. Yagoub - Cross - Mr. Schneider

1 saying, "Where are you going to go? You have no money."

2 Right?

3 A. Right.

4 Q. But you had a long conversation with him at that
5 time; didn't you?

6 A. I did have a conversation with him but I do not
7 recall how long that conversation was.

8 Q. Well he was asking you to stay; wasn't he?

9 A. Well he mostly asked where I wanted to go and
10 reminded me that I had no money.

11 Q. Didn't he tell you he loved you?

12 A. I don't recall whether he said it at that occasion.
13 He said that frequently and I do not remember when
14 exactly he said that.

15 Q. I am going to show you again an excerpt from
16 Government Exhibit 3500-NY-16. I think it's on page 8.
17 I just want you to look at this and tell me if it
18 refreshes your recollection of what Mr. Yannai said to
19 you during that conversation. I don't need you to read
20 it out loud; okay?

21 A. You want me to read the whole page?

22 Q. No, I just want you to look at it, probably this
23 portion that I am circling and just tell me if it
24 refreshes your recollection -- first I just want you to
25 tell me if it refreshes your recollection about what

Ms. Yagoub - Cross - Mr. Schneider

- 1 Joseph said to you during that conversation.
- 2 A. Yes.
- 3 Q. It does refresh your recollection? Yes?
- 4 A. Yes, I wrote down part of a conversation.
- 5 Q. Okay. I'm not asking you what you wrote down. I'm
- 6 asking if now you remember that conversation.
- 7 A. Yes, but I just mentioned that this is only one part
- 8 of the conversation we had.
- 9 Q. I understand. And in part of that conversation he
- 10 told you he loved you; right?
- 11 A. Right.
- 12 Q. He told it had clicked with you.
- 13 A. Right.
- 14 Q. He wanted you to stay.
- 15 A. This was not the only part of the conversation.
- 16 Q. Ms. Yagoub, he's going to get to stand up and ask you
- 17 all the questions he wants. I just want you to answer my
- 18 questions; okay?
- 19 A. Yes.
- 20 Q. And at that time, you decided that you would stay;
- 21 correct?
- 22 A. Correct.
- 23 Q. He didn't force you to stay, physically; did he?
- 24 A. Correct.
- 25 Q. You decided on your own after he spoke to you; yes?

Ms. Yagoub - Cross - Mr. Schneider

1 A. Correct.

2 Q. Now after he came from Turkey, you again decided you
3 were going to leave; right?

4 A. Correct.

5 Q. And that must -- I think we established that was
6 either the day he came back from Turkey or the day after
7 or maybe the day after that; right?

8 A. Right.

9 Q. And it was when he came back from Turkey that you
10 said "I want the second option. I don't want to be
11 intimate with you;" correct?

12 THE COURT: Mr. Schneider, I think we've gone
13 over this.

14 MR. SCHNEIDER: Okay, Judge.

15 Q. Again, you had a conversation this time in the
16 kitchen about you leaving; right?

17 A. Right.

18 Q. And he tried to talk you out of it again.

19 A. Right.

20 Q. But you decided you were going.

21 A. Right.

22 Q. He didn't stop you; did he?

23 A. No.

24 Q. He drove you to the train.

25 A. Yes.

Ms. Yagoub - Cross - Mr. Schneider

- 1 Q. You hated that house; right? You hated being there.
- 2 A. I felt like in prison; yes.
- 3 Q. You were really bored, too; right?
- 4 A. Yes, my stay there was monotonous and I felt as if I
- 5 was in prison.
- 6 Q. They ate hot dogs for lunch every day; right?
- 7 Franks?
- 8 A. Yes.
- 9 Q. You hated that.
- 10 A. No, I don't hate franks; no.
- 11 Q. But you hated them every day; right?
- 12 A. Yeah, that can be -- if you eat franks every day,
- 13 that can get sort of boring.
- 14 Q. You and I have never met before; correct?
- 15 A. Correct.
- 16 Q. You've spoken to Donna on the phone. You started
- 17 talking to her a year ago on the phone; is that right?
- 18 A. Right.
- 19 Q. You came in April to meet with the prosecutors and
- 20 some of the agents.
- 21 A. Yes.
- 22 Q. They paid for that trip.
- 23 A. Yes.
- 24 Q. Did you come by yourself?
- 25 A. Yes.

Ms. Yagoub - Cross - Mr. Schneider

1 Q. How long did you stay? How many days?

2 A. I think three days.

3 Q. They paid for your hotel?

4 A. Yes.

5 THE COURT: It's the government, not
6 individuals who paid.

7 A. Yeah, the United States government. Sorry.

8 Q. The government. That's right. I'm sorry. I
9 guarantee you Mr. Spector did not pay for your hotel.
10 And you came back on May 17, about a week ago?

11 A. Yes.

12 Q. And again, the government paid for your airline
13 ticket?

14 A. Yes.

15 Q. And the government paid for your hotel?

16 A. Yes.

17 Q. Did you come alone again?

18 A. Now?

19 Q. Yes.

20 A. No, I have a friend -- I paid -- no, I came with a
21 girlfriend because I needed moral support and I paid for
22 her ticket.

23 Q. Right. the government didn't pay for her ticket.

24 A. No.

25 Q. But she is staying in your hotel room?

Ms. Yagoub - Cross - Mr. Schneider

1 A. Yes.

2 Q. Now you didn't get paid for the month or so you
3 stayed at the Pound Ridge house; correct?

4 A. Correct.

5 Q. But you didn't expect that because you understood --
6 well, did you expect to get paid?

7 A. I had expected to be paid at the end of one year. I
8 expected to receive those \$20,000 and no, I did not
9 expect to be paid for that one month but there are also
10 other things that I didn't expect and that happened
11 anyhow.

12 Q. Now before coming here to testify, you've asked the
13 agent who you call Donna, whether you can be compensated
14 for your time in the Pound Ridge house.

15 A. I asked that; yes.

16 Q. You asked if you could get some money; yes?

17 A. I asked if that would be possible but -- yes.

18 Q. And what did they tell you?

19 A. They told me that they weren't sure about that. It
20 depended on the defendant's budget and they wanted to
21 know whether I was going to come anyhow and I said yes.

22 Q. So as you sit there now, do you think you might get
23 some money if the defendant is convicted?

24 THE INTERPRETER: Say that again.

25 Q. As you sit there now, do you think you might get some

Ms. Yagoub - Cross - Mr. Schneider

1 money if the defendant is convicted?

2 A. As I am sitting here now?

3 Q. Yes, in your head now --

4 A. Possible.

5 Q. No further questions.

6 MR. SPECTOR: Can I have a moment, your Honor?

7 (Pause.)

8 MR. SPECTOR: No questions, your Honor.

9 THE COURT: All right. You can step down.

10 THE WITNESS: Okay.

11 THE CLERK: You're done. You can step down.

12 THE WITNESS: Completely?

13 THE CLERK: Yes.

14 (Witness excused.)

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Proceedings

1 (Conference held at side-bar.)

2 THE COURT: Come up.

3 THE CLERK: Judge, at the break earlier, Juror
4 Number 12 stops me in the hallway and said that she was
5 having a difficult time with the testimony, especially
6 yesterday and she often felt as if she was going to cry.
7 And she tried to explain further and I stopped her. And,
8 you know, she said she could continue until the end of
9 the trial.

10 THE COURT: You could think about this over
11 lunch of what you want to do with it.

12 MR. SCHNEIDER: Okay.

13 MR. SPECTOR: Thank you, Judge.

14 (Conference concludes at side-bar.)

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Ms. Herczeg - Direct - Ms. Stone

1 **B E R N A D E T T E H E R C Z E G ,**

2 **called as a witness, having been first duly sworn,**

3 **was examined and testified as follows:**

4 DIRECT EXAMINATION

5 BY MS. STONE:

6 Q. Good afternoon, Bernadett.

7 A. Good afternoon.

8 Q. Bernadette, can you tell us where you're from?

9 A. I'm from Hungary.

10 Q. What town in Hungary?

11 A. Well, Salgotarjan.

12 Q. What kind of a place is that?

13 A. It's a small town. It's near Budapest, the capital.

14 Q. Can you tell us a little bit about your family? How
15 many siblings you have, your parents?

16 A. I have one brother, my one older brother, and both my
17 parents are --

18 Q. What do your parents do? What is their jobs?

19 A. My mother is a bookkeeper in my former high school
20 and my father has a company.

21 Q. Did you go to school in Hungary?

22 A. Yes.

23 Q. What level of school did you finish?

24 A. I have an associate degree.

25 Q. What is an associate degree?

Ms. Herczeg - Direct - Ms. Stone

- 1 A. Of the hospitality industry.
- 2 Q. Before coming here to the United States, did you have
- 3 any jobs in the hospitality industry?
- 4 A. Yes, I did.
- 5 Q. What were you doing?
- 6 A. I was a waitress and later on a supervisor at a
- 7 restaurant.
- 8 Q. At a certain time, did you look for a job outside of
- 9 Hungary?
- 10 A. Yes.
- 11 Q. What type of job did you look for?
- 12 A. I was looking for an au pair job.
- 13 Q. Why were you looking for an au pair job?
- 14 A. Well, it seemed like a good opportunity to improve my
- 15 English, get to know other cultures, people.
- 16 Q. Now, Bernadett, how is your English now?
- 17 A. I think it's a little bit better.
- 18 Q. How was it at the time that you started to look for
- 19 an au pair job?
- 20 A. I wouldn't say it was good enough. It was pretty bad
- 21 I would say.
- 22 Q. It was -- I'm sorry, could you repeat that?
- 23 A. It was bad.
- 24 Q. It was bad. How about your reading and writing of
- 25 English?

Ms. Herczeg - Direct - Ms. Stone

- 1 A. It was the same. It was bad.
- 2 Q. When you went to look for au pair job, what did you
- 3 do to try and get an au pair job?
- 4 A. I registered myself on an au pair website.
- 5 Q. Do you remember the name of the au pair website?
- 6 A. It was aupairworld.com.
- 7 Q. On that website were you contacted by anybody?
- 8 A. Yes.
- 9 Q. Who were you contacted by?
- 10 A. I was contacted by a woman named Joanna.
- 11 Q. Had you been contacted by any other families before
- 12 that?
- 13 A. No.
- 14 Q. How was your job going at that point when you were
- 15 contacted by Joanna?
- 16 A. Well actually at that time, I was unemployed.
- 17 Q. So when Joanna contacted you, did you write back to
- 18 her?
- 19 A. Yes, I did.
- 20 Q. Do you remember what your e-mail address was at that
- 21 time?
- 22 A. Mine was dave.detti@freemail.hu.
- 23 Q. Do you remember what year this was that you were
- 24 looking for an au pair job?
- 25 A. Sorry?

Ms. Herczeg - Direct - Ms. Stone

1 Q. Do you remember what year it was when you were
2 looking for an au pair job?

3 A. Oh, 2008.

4 Q. Now, when you received this e-mail correspondence
5 from Joanna, did you also receive any e-mails from
6 somebody else who worked with Joanna?

7 A. No.

8 Q. Was there anyone else who you received e-mails from
9 besides Joanna?

10 A. Yes.

11 Q. Who was that?

12 A. That was Joseph Yannai.

13 Q. Bernadett, I'm going to ask you to take a look around
14 the courtroom and see if you can identify Joseph Yannai
15 and if you can if you could describe a piece of clothing
16 that he's wearing?

17 A. He is sitting right there and wearing a blue jacket
18 and blue tie and a light blue shirt.

19 MS. STONE: Let the record reflect that the
20 witness has identified the defendant.

21 Q. Now, the e-mails that you exchanged with Joanna and
22 with the defendant, did you ever show those e-mails to
23 the police?

24 A. Yes.

25 Q. Are you aware of any missing e-mails?

Ms. Herczeg - Direct - Ms. Stone

1 A. No.

2 Q. At a certain time, did you have a meeting in my
3 office in White Plains, New York where you reviewed these
4 e-mails?

5 A. Yes.

6 Q. Do you remember taking those e-mails off of the
7 internet?

8 A. Yes.

9 Q. Did you print out those e-mails into a document?

10 A. Yes.

11 MS. STONE: Your Honor, I'm just going to ask
12 if I could please approach the witnesses?

13 THE COURT: Go ahead.

14 Q. Bernadett, could you just take a quick look at what's
15 been identified as Government's Exhibit 100?

16 A. Yes, these are the e-mails.

17 Q. Are those the e-mails that you printed out in my
18 office?

19 A. Yes.

20 MS. STONE: I would move Government's Exhibit
21 100 into evidence.

22 MS. CESARE: No objection.

23 THE COURT: It's admitted.

24 (Government's Exhibit 100 received in evidence.)

25 Q. Now Bernadett, if you could just take a look on the

Ms. Herczeg - Direct - Ms. Stone

1 screen, I'm going to ask you to take a look at the first
2 top e-mail dated December 26th.

3 MS. STONE: Can we publish this to the jury,
4 please?

5 THE COURT: Yes.

6 Q. Can you take a look at that and let us know, is this
7 one of the first e-mails you received from Joanna?

8 A. Yes, that's correct.

9 Q. Would you please read the highlighted portion,
10 Bernadette?

11 A. Absolutely. "Dear Bernadett, We are looking for an
12 au pair as an au pair is for children. We are looking
13 for an assistant to my previous boss (for more than 2
14 years I had the same job I am offering you now), who is
15 far away from being a child, he is 64 years old.

16 The boss is a businessman who operates from home. He
17 has several businesses but concentrates mainly in book
18 publishing in the hospitality industry (travel, hotels
19 and restaurants). He is completely independent (not
20 disabled and takes very good care of himself). He is
21 married (his wife is 40 years old), and very hardworking
22 person. You will not be a nurse or a caregiver, as he
23 doesn't need one, you will simply be there to make his
24 life easier (make coffee, prepare breakfast and lunch
25 [dinner they usually go out or the wife cooks]). Keep the

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1 part of the house from which he's working neat and clean,
2 accompany him in his travels (and he travels a lot). In
3 short, a combination of companion, personal helper (if
4 you were a man, it is kind of a butler)."

5 Q. What did you think, Bernadett, when you received this
6 e-mail from Joanna?

7 A. Well, I was suspicious and --

8 Q. Was there anything appealing about this e-mail to
9 you?

10 (Pause.)

11 A. I'm sorry?

12 Q. Let's move on to your -- why don't you read your
13 response to this e-mail if you could? Could you take a
14 look at the bottom e-mail and read the highlighted
15 portions?

16 A. Uh-huh. "Of course I have lots of questions, because
17 I'm a bit sceptiacal (sic). I heard lots of stories
18 about girls, who goes foreign countries and never came
19 back, etc. I hope you understand me...So I'm scared
20 too!"

21 Q. And if you could just continue to the highlighted
22 portion of the rest of the e-mail?

23 A. "Why me? Where did you get my email address and my
24 name? This is JUST an assistant job. Why do you want to
25 end your job? And who are you? PLEASE don't

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1 misunderstand, I just want to know where can I go in the
2 future! Hopely (sic).

3 I'm sorry about my English, the grammar is not my
4 best."

5 Q. Why were you skeptical?

6 A. Because as I mentioned, I've heard a lot of stories
7 about girls who disappeared and that's why.

8 Q. Were you at all still interested in learning more
9 about the possible job?

10 A. Yes.

11 Q. And did you receive a response from Joanna?

12 A. Yes.

13 Q. I'm going to show you an e-mail dated December 30th.

14 MS. STONE: Could we publish this to the jury,
15 please?

16 THE COURT: Yes.

17 Q. Bernadett, is that the e-mail you received in
18 response?

19 A. Yes.

20 Q. Do you recall how Joanna described what the job was
21 going to be?

22 A. She said that that would be a personal assistant job
23 and I would have to keep the working area clean and empty
24 the garbage can, things like that.

25 Q. Did she say anything about certain things that you

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1 would be able to do with the defendant if you decided to
2 come and work for him?

3 A. Yes. She said that I would go to cocktail parties
4 with them, movies, theater, concerts. If I don't want to
5 go out, then I would just stay at home. And --

6 Q. Bernadett, when you came to Pound Ridge and you
7 worked for the defendant, did he ever take you to the
8 theater?

9 A. No.

10 Q. Did he ever take you to a concert?

11 A. No.

12 Q. Did he ever take you to a cocktail party?

13 A. No.

14 Q. During the e-mail correspondences between Joanna, the
15 defendant and you, were there ever any other promises
16 made about things that you might get while you were
17 working for the defendant? In all of your correspondence
18 with them?

19 A. In all of them?

20 Q. Yes.

21 A. She offered me two possibilities, a live-in or a
22 live-out option. She --

23 Q. Bernadett, as part of the live-in option, did Joanna
24 say anything about your expenses?

25 A. Yes. She said that every -- all my expenses would be

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1 taken care of by Joseph and I don't have to worry about
2 clothing, medicine, basically nothing.

3 Q. And when you came and worked for the defendant in
4 Pound Ridge, did he buy you any clothing?

5 A. No.

6 Q. Now, in this e-mail Joanna also mentioned to you
7 about whether you wanted to help -- it would be your
8 decision whether you could help with the defendant's
9 research on the internet. And when you came to Pound
10 Ridge, did the defendant give you a choice about whether
11 or not you worked on the computer and the internet?

12 A. No. That was the job, what I was offered.

13 Q. And so what did the defendant tell you to do when you
14 got to Pound Ridge about research and work on the
15 internet?

16 A. He said that he is publishing a new book about
17 religions. So I had to search on the internet for
18 churches and all the information about the churches and I
19 had to put it in an Excel spreadsheet.

20 Q. While you worked for the defendant, how many hours a
21 day did you work doing the computer research?

22 A. I started at 8 a.m. until 7 p.m.

23 Q. Now, after receiving this e-mail from Joanna that
24 described all the different kinds of options and
25 opportunities you were going to have, did you have any

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1 other worries still about whether you should take the
2 job?

3 A. Yes.

4 Q. I'm going to show you, and I would ask that it be
5 published to the jury, an e-mail dated December 30th.

6 And who wrote that e-mail?

7 A. That was myself.

8 Q. And could you please read the highlighted portions,
9 Bernadett?

10 A. "When should I start? Because I need a visa to the
11 U.S.A. I still don't know, WHY ME? I'm only interests!
12 This is just a job without other services, for example,
13 "massage or sex"... and so on??? Please I ask you don't
14 be watching for idiotic one, this is a just a
15 question..."

16 "My parents are young and we have a very close
17 relationship. I have a boyfriend. Already for a long
18 time I dream that I go to America and other countries,
19 because I like to meet new people and recognize other
20 countries. (sic)"

21 Q. So Bernadett, why did you ask if the job would
22 involve other services like massage or sex?

23 A. Well, since he was much more older than me and I just
24 couldn't picture myself in a situation like that.

25 Q. Did Joanna respond to you about these questions you

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1 have? Did she send you back another e-mail?

2 A. Yes, she did.

3 Q. Okay. I'm going to now show you an e-mail that I'd
4 also ask to publish to the jury from December 31st. Who
5 is this from?

6 A. This is from Joanna.

7 Q. Would you read the highlighted portions, please?

8 A. "As a Hungarian citizen you do not need any more a
9 visa to enter the US as a tourist. You will come to the
10 States and at the airport you will be granted 90 days of
11 stay as a tourist. You cannot ask for a work visa as you
12 will not get it. There are enough American who can work
13 either as personal assistant or as a wellness center
14 employee. A few weeks after your arrival, should Joseph
15 and you will realize that it is a "match" he will
16 instruct his lawyer to start working on your permanent
17 working papers.

18 As to the sex, Joseph loves sex and loves and
19 appreciate women. I knew him and was very close to him
20 more than a year before I came to work with him. But
21 before I came to work and live with him and Elena he told
22 me that he will never sex with anyone who works with him
23 and live in his house as long as they work with him and
24 live with him.

25 I was surprised and asked him why and he explained, I

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1 don't want ever to feel the woman is having sex with me
2 just because even when it is a small part there's a
3 possibility that she's doing it because she's afraid to
4 lose her job or lose the roof above her head. This is
5 Joseph. Not morals, not church, not what people will
6 think, but being loyal to his inner truth.

7 During the two years I was with him, we were, of
8 course, very intimate like people who live together and
9 love each other, and although I did whatever a woman can
10 do to have sex with him, he never agreed, and we never
11 had. He once told me, Joanna, I love you so much that I
12 prefer waking up in the morning when your head is on my
13 shoulder than having sex with you the night before.

14 As to the massage. When Joseph needs a massage, he
15 calls a professional masseuse, but your question was
16 strange from a woman one who sees her future working in a
17 bath and wellness center.

18 What really bother me and I really don't understand
19 is why you are ready to separate for at least a year (and
20 believe me, it will probably be more) from your parents
21 that you are so close to and with a boyfriend you have."

22 Q. So after you received this e-mail from Joanna
23 answering your questions about the massage and the sex,
24 did that at all reassure you?

25 A. Well, a little bit, yes.

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1 Q. And did you receive any photos from Joanna or the
2 defendant?

3 A. Yes.

4 Q. I'm just going to ask you to take a look at this
5 picture. Is this one of the pictures that you received?

6 A. Yes.

7 Q. Is this one of the other pictures that you received?
8 I'd also ask that be published to the jury.

9 A. Yes.

10 Q. Now, when you saw these photos, what did you think
11 about the fact that it's a picture of a woman and a man
12 kissing?

13 A. Well, it seemed like they're not actually kissing.
14 They just like playing just for the photo.

15 Q. At a certain point after you got this photo, did
16 Joanna suggest to you that you should start talking
17 directly to the defendant?

18 A. Yes.

19 Q. I'm going to ask that you take a look at this and
20 that it be published to the jury. Take a look at the
21 bottom e-mail, Bernadett, and who was that addressed to?

22 A. This is -- was for me.

23 Q. And is Detty a name you also use, Bernadett?

24 A. Yes, it's my nickname.

25 Q. Okay. Could you read the highlighted portion?

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1 A. "I think you should start talking to Joseph directly.
2 I'm forwarding to him your profile, pictures and our
3 correspondence and he will be waiting for your e-mail. I
4 am telling you right now that he will like to know
5 exactly what is going on between you and your boyfriend,
6 why you are ready to leave him for a long time and be
7 with another man.

8 For him, it would not matter what your boyfriend
9 think about it or what you do, because in the moment you
10 will go to him, you will be exactly like he is with Elena
11 and they love each other very much. The same
12 relationship, the same love, the same care, same
13 intimacy, everything but sex. Ad it might be difficult
14 to behave this way to a woman who's missing her
15 boyfriend."

16 Q. Now, did you know what intimacy meant when you
17 received this e-mail?

18 A. Well, not really.

19 Q. And what did you think Joanna meant when she wrote to
20 you about your relationship being the same with the
21 defendant as his relationship was with his wife, Elena?

22 A. Well I thought that it cannot be the same since he's
23 married and he has a wife and he respects his wife.

24 Q. What did you think about Joanna's concerns that you
25 needed to be ready to leave your boyfriend?

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1 A. I really don't know what was she thinking.

2 Q. So after this, did you write to the defendant?

3 A. Yes.

4 Q. Do you remember if you said anything about your
5 boyfriend?

6 A. I can't remember right now.

7 Q. I'm going to just have you take a look at this e-
8 mail, if we could publish it to the jury. Actually, if
9 we could just take a look at this, Bernadett.

10 If you could read the e-mail dated January 7th, does
11 that refresh your recollection about whether you said
12 anything --

13 A. Uh-huh.

14 Q. -- to he defendant about your boyfriend?

15 A. Yes.

16 Q. Do you remember what you told him about your
17 boyfriend?

18 A. I told him that we were not in a good relationship
19 and anyways it was about to end.

20 Q. Did you also receive e-mails from the defendant?

21 A. Yes.

22 Q. Do you remember if the defendant talked to you about
23 the ways he was going to help train you to be his
24 personal assistant?

25 A. Yes.

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1 Q. What did you think when he talked about this training
2 to become a business woman and a professional assistant?

3 A. It seemed like a good opportunity.

4 Q. Now, did you also have questions about what might
5 happen about pay if you didn't last for a year working
6 for the defendant?

7 A. Yes.

8 Q. Do you remember at all anything he said about that?

9 A. He said that that will never be my fault if I would
10 have to leave, but I would be sent home if I would lie to
11 him or do drugs.

12 Q. Otherwise, did you think there would be any reason
13 that you wouldn't get paid and stay a year working for
14 the defendant?

15 A. No.

16 Q. Okay. At some point did the defendant ask you to
17 write him a love letter?

18 A. Yes.

19 Q. I'm going to ask that this be published to the jury.
20 Could you take a look at the e-mail at the bottom dated
21 January 14th?

22 A. Uh-huh.

23 Q. Who is it addressed to?

24 A. This was for me.

25 Q. Okay. Then I'm just going to ask if you could read

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1 this highlighted portion, Bernadette?

2 A. "For example, your last letter was as cold as a
3 letter from a lawyer on the opposite side. Cold, but
4 polite. Let us make an intellectual experiment. Maybe
5 that will be the first and right step towards breaking
6 the transparent ice wall you built, with or without
7 realizing it, between us.

8 I know that you don't love me and I also even know
9 you will never love me in a different situation
10 circumstances. But in spite of it, why don't you try and
11 write me a real love letter as if it comes from the
12 heart. I know it will not be a lie, because I already
13 wrote to you that I know the circumstances under which it
14 will be written.

15 Make it love, passion, openness, everything like
16 letter to the person you always dream you will fall in
17 love with. What I'm trying to do is very simple. I'm
18 trying to do everything possible that your life together
19 will be as wonderful as it can be and that both of us
20 will get the maximum from the relationship.

21 In short, I'm trying to open you up and bring you to
22 me."

23 Q. So did you decide to respond to the defendant's
24 request? Did you respond to his request to write a love
25 letter?

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1 A. No.

2 Q. Well, did you write him back?

3 A. Yes.

4 Q. Okay. Why don't -- if you could just read the bottom
5 e-mail, Bernadett?

6 A. "You feel, right about that I am -- I keep on holding
7 myself because of the language and the culture
8 differences, but I think this is normally, because this
9 will be a new life, a new world, a new family, new
10 challenges, new people and everything is new for me.

11 So I don't it when my life will be like in the States
12 and I know my previous letter was cold as ice, but you
13 have to build together with me, because in spite of all
14 our correspondences, you're unknown for me and this is
15 true in your side too. You don't know me and I don't
16 know you, but this is just a temporary state. I really
17 want to know you.

18 I know your work, but it's hard to say I love you,
19 because we never met. I'm trying to write as soon as
20 possible, but I'm still working and between this I have
21 lots of things to do. So I'm really sorry. Bye, my
22 sweetheart."

23 Q. Do you know why you said my sweetheart?

24 A. I was trying to -- in spite of that I could not write
25 a love letter, I was trying to make it sound that I trust

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1 in him or I --

2 Q. Why did you want to make it sound like you trusted in
3 him, Bernadett?

4 A. Because I didn't want to lose the opportunity, so I
5 was trying to satisfy.

6 Q. So Bernadett, did you at some point make plans to
7 come to the United States?

8 A. Yes.

9 Q. Did you talk to the defendant about bringing the
10 brother you mentioned earlier, with you?

11 A. Yes.

12 Q. What did he say about that?

13 A. He said that it wouldn't be a good idea.

14 Q. Did he say why it wouldn't be a good idea?

15 A. Yes, because I might not like the job and I'd want to
16 live with him.

17 Q. With who?

18 A. With my brother.

19 Q. Did you also, when you were making your plans to come
20 to the United States, have questions about the kind of
21 visa you would need?

22 A. Yes.

23 Q. Did you ask the defendant any questions about that?

24 A. Yes.

25 Q. Do you remember who he said should answer those

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1 questions?

2 A. He said that I should talk to Joanna about this.

3 Q. I'm going to show you an e-mail that's dated January
4 19th. I'd ask that it be published to the jury. And if
5 you could just take a look at that, who's that e-mail
6 addressed to, Bernadett?

7 A. This is to Joanna.

8 Q. Who wrote this email?

9 A. Myself.

10 Q. Could you read the highlighted portions?

11 A. "So I got my new passport, but I have to go soon to
12 the American Embassy and I don't know what should I do
13 because if I ask it, the 90 days tourist visa, that is
14 not good for me because this is just three months when I
15 stay in the States. So I need to ask a real visa for a
16 year or two years or something like that, but this is
17 walk to get to it.

18 So I want to know your plan what would you like to do
19 when I arrive to the United States when I get the 90 days
20 available visa? I'm trying to simplify my problem.
21 After the 90 days, my residence for being in America is
22 illegal. I hope you understand my problem and try to
23 help. I'm really waiting for your letter."

24 Q. So after that did Joanna write back to you about what
25 you should do?

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1 A. Yes.

2 Q. And I'm now going to show you an e-mail dated January
3 19th, I'm going to ask that this also be published to the
4 jury, and who's this e-mail addressed to Bernadett?

5 A. It's to me.

6 Q. And can you read who it's from?

7 A. It's from Joanna.

8 Q. And at this point had you ever spoken to Joanna?

9 A. No.

10 Q. Had you ever met Joanna?

11 A. No.

12 Q. So who did you think Joanna was at this time when you
13 received this e-mail?

14 A. At this point I still believed that that was Joanna,
15 a Polish girl.

16 Q. Okay. And could you please read for us the
17 highlighted portion of this e-mail, Bernadett?

18 A. "Do not go to the American Embassy and do not ask for
19 a visa. The only visa they might give you is a tourist
20 visa and you will have to give them proof that you have
21 money in your bank account, that you have a job that is
22 ready to take you back when you return from your vacation
23 in the States or that you go to University in order to
24 pay for the whole year. Even after that they might not
25 give you the tourist visa, in which case if you will try

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1 to enter the United States with 90 days plan they will
2 send you back because for three or five years you will be
3 denied entrance. And even if you will get it, when you
4 get to the States you will get the permit to be there
5 only for six months instead of three months without the
6 visa, which is called waiver.

7 Don't make the mistake that many people do.
8 You might get a visa for a year, two years, or even five
9 years, but that doesn't mean that you can stay that long.
10 The visa only means that during the time you have the
11 visa you can go to the States, and when you arrive you
12 get a permit to stay only six months.

13 Now I assume you intend to stay with Joseph for
14 more than six months, if you should go at all, and the
15 only way of doing it is to do it the way that I did it.
16 I came to him with a tourist visa from Poland, from
17 Poland we don't have the waiver in which you can go
18 without a visa like you have now.

19 When I came I got the automatic permit to stay
20 for six months. Joseph's attorney started to work on my
21 green, which is actually pink card. You can never know
22 how long it is going to take. The speculation now is
23 that the Obama administration will be more helpful. It
24 took me eight months to get it. It might take longer or
25 shorter for you. I think it will probably be shorter for

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1 a -- as for a Hungarian that do Polish because you are in
2 the favorite list of country to which you don't need a
3 tourist visa. Yes, I was for a few months and you might
4 be also what they call their undocumented aliens, not
5 illegal, but as long I was with Joseph I was safe.

6 The only disadvantages that in the minute you
7 apply for the pink card you will not be able to leave the
8 country, you will of course, but we'll not be able to
9 return. But again, you are not going to Joseph for a
10 short vacation.

11 To sum it all up if you will go to the American
12 Embassy and ask them for a visa that is not a tourist
13 visa, you will not get it and then you will not be able
14 to enter even as a tourist for three or six years. If
15 you will go to the American Embassy and ask for tourist
16 visa and not get it it depends on the mood of the
17 council, you will not be able to go without the visa even
18 for the 90 days for the same length of time, three or
19 five years. The only way of doing it is by coming as a
20 tourist, and before you leave I'll tell you how to answer
21 their questions at the airport and then to trust Joseph,
22 he not only about the visa. If you will do it in any
23 other way there are very little chances for you to be
24 able to go to him."

25 Q. Now when you came to Pound Ridge, Bernadett, did you

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1 ever meet with any lawyers to work on getting a green
2 card?

3 A. No.

4 Q. And when you read this part of the e-mail where
5 Joanna said that as long as she was with Joseph she was
6 safe, what did that make you think?

7 A. I felt -- I felt the same way. I felt I will be safe
8 with him.

9 Q. And you were going to be safe where?

10 A. In his house.

11 Q. And after that did you go to the American Embassy?

12 A. No.

13 Q. And did you follow the directions that were in this
14 e-mail?

15 A. Yes.

16 Q. Bernadett, by the way, after you left the defendant's
17 house did there come a time when you did apply for a
18 visa?

19 A. Yes.

20 Q. With the help of a lawyer?

21 A. Yes.

22 Q. And did you fill out an affidavit that had
23 information about this particular case?

24 A. Yes.

25 Q. And did you give reasons why you wanted to have a

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1 work visa?

2 A. Yes.

3 Q. And did you ever say that you were also interested in
4 getting paid and getting money damages from the defendant
5 because of everything that happened to you?

6 A. Yes.

7 Q. Are you able to work in the United States now?

8 A. Yes.

9 Q. And could you describe for us the job you have now?

10 A. Right now I work at the hotel as a front desk agent.

11 Q. And is that in the hospitality industry?

12 A. Yes.

13 Q. Is that what you had studied in Hungary?

14 A. Yes.

15 Q. And is that what you're planning to have your career
16 in, the hospitality industry?

17 A. Yes, I'm planning.

18 Q. So when you traveled to the United States did you
19 follow the directions that you had been given?

20 A. Yes.

21 Q. I'm going to show you another e-mail, Bernadett, this
22 one is dated January 28th. I'd ask that this be
23 published to the jury. Bernadett, who's this e-mail
24 from?

25 A. This is from Joanna.

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1 Q. And who's it to?

2 A. To me.

3 Q. And how long before you came to the United States,
4 approximately, did you receive this e-mail?

5 A. This was, I would say two weeks.

6 Q. Would you read the highlighted portions?

7 A. "You have to go to the internet to the American
8 Embassy website and fill out a form. Do it from a
9 computer that is attached to a printer because you will
10 have to print their approval. They will ask you
11 different questions.

12 The answers that I can help you with is
13 Joseph's address which is 309 Salem Road, Pound Ridge,
14 New York 10576. That's where you are going to stay. If
15 they will ask in the form or when you come to JFK what
16 you were coming for is that you come as a tourist to
17 visit the country. Joseph and Elena are friends of the
18 family. It is better that they will be friends with your
19 parents because of the age, and they invited their
20 friend's daughter, you, to come visit the United States.
21 They will take you touring around and you will stay with
22 them and all your expenses will be on them. You say that
23 you come for three weeks to a month, you will get anyhow
24 the 90 days permit. It makes better impression if you
25 will say you come for the whole 90 days.

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1 I suggest that the tickets you buy will be
2 return tickets for this kind of time, a month. If you do
3 not buy your return ticket now, and they will ask you to
4 see return ticket, tell them that the plan is that your
5 parents will be coming to Canada, Niagara Falls, and
6 Joseph is Elena will take you there and spend some time
7 with you and your parents there, and from Canada you will
8 fly back to Hungary and your parents are taking care of
9 the ticket from Canada to Hungary.

10 When being interviewed just answer what you are
11 asked and as short as possible. Do not volunteer any
12 information you are not asked. Don't try to joke with
13 them, be pleasant and polite, but not friendly.

14 Yes, one more thing, don't bring with you a
15 print of my or Joseph correspondence with you. If the
16 custom will open your suitcases or purse they will find
17 it and understand they you're coming for work."

18 Q. Now Bernadett, how old were you when you came to the
19 United States?

20 A. I was 21.

21 Q. And so when you received this e-mail did you follow
22 the directions about what to say at Immigration?

23 A. Yes.

24 Q. And what type of ticket had you bought? Was it a one
25 way ticket or a round trip ticket?

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- 1 A. It was a round trip ticket.
- 2 Q. Who bought the ticket?
- 3 A. Myself.
- 4 Q. And how long was the ticket good for? When was the
- 5 return date?
- 6 A. It was -- it was for a month.
- 7 Q. And why did you buy it just for a month?
- 8 A. Because he suggested -- I mean she suggested.
- 9 Q. And when you came to the United States what airport
- 10 did you arrive at?
- 11 A. I arrived to JFK.
- 12 Q. Did you have these e-mails with you?
- 13 A. No.
- 14 Q. And why didn't you bring these directions with you?
- 15 A. Because I had it on my computer -- I mean on the
- 16 internet.
- 17 Q. Now when you came into the United States what did you
- 18 tell Immigration at JFK?
- 19 A. Told them I coming -- I'm coming as a tourist.
- 20 Q. Was this the truth, Bernadett?
- 21 A. No.
- 22 Q. And as you sit here today do you know whether lying
- 23 to Immigration is a crime?
- 24 A. Yes.
- 25 Q. I'm going to ask you to take a look at this document.

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1 Do you recognize that, Bernadett?

2 A. Yes.

3 Q. And what is this document?

4 A. This document is an agreement that the fact that I
5 lied when I entered the country cannot be used against me
6 if I tell the truth now.

7 Q. Did you review that document with a lawyer?

8 A. Yes.

9 Q. And did the lawyer explain to you that you were going
10 to be granted immunity for your testimony here?

11 A. Yes.

12 Q. Do you recall what immunity means, Bernadett?

13 A. That paper.

14 Q. So what is your understanding if you testify
15 truthfully?

16 A. That I won't be prosecuted.

17 Q. And who arranged for you to have a lawyer?

18 A. The Government.

19 Q. And if you lie today on the stand are you still going
20 to be protected, Bernadett?

21 A. No.

22 Q. So before you came to the United States, Bernadett,
23 did you know anybody in New York?

24 A. When I was back at home I found the website which
25 called tagged.com, and I was searching for people in

Ms. Herczeg - Direct - Ms. Stone

1 Pound Ridge, and I found a Hungarian person, and I
2 e-mailed her.

3 Q. Why did you go on the internet looking to find
4 someone in Pound Ridge?

5 A. Since I didn't know anyone I felt like it would be
6 nice to have one person who I can talk to or --

7 Q. Did you have any worries or concerning about coming
8 to Pound Ridge and not knowing anyone else who was
9 Hungarian?

10 A. Yes.

11 Q. So did you make contact with anyone else before you
12 came to the United States?

13 A. Yes.

14 Q. Who did you meet through the internet?

15 A. Her name was Csilia.

16 Q. And besides Csilia, is there anyone else that you
17 knew in the United States?

18 A. No.

19 Q. Now at any point before you came to the United States
20 did you talk to Joanna on the phone?

21 A. No.

22 Q. And when you came to the airport who met you at JFK,
23 Bernadett?

24 A. That was Mr. Yannai.

25 Q. And when you arrived and you saw the defendant how

Ms. Herczeg - Direct - Ms. Stone

1 did he greet you at JFK?

2 A. He was trying to hug me and kiss me.

3 Q. How did that make you feel, Bernadett, when he tried
4 to hug and kiss you?

5 A. Made me really uncomfortable.

6 Q. Did you say anything about that to him?

7 A. Yes, I said that I was really sick because of the
8 flight, so I just ignored it.

9 Q. And after this greeting did you go back to the
10 defendant's house in Pound Ridge?

11 A. Yes.

12 Q. How did you get there?

13 A. By his car.

14 Q. And was anyone else in the car?

15 A. No.

16 Q. Can you describe that car ride?

17 A. It was -- it took -- it took really long because we
18 hit traffic, and at some point he asked me to put my
19 hands on top of his hands.

20 Q. What did you do?

21 A. I did.

22 Q. Why'd you do that?

23 A. Because I was in the middle of the United States, I
24 didn't know anyone, and I felt like I already lost
25 control. I was just -- I was in a car with this

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1 stranger.

2 Q. And did anything else happen on the car ride back to
3 the defendant's house?

4 A. No.

5 Q. And when you got to the defendant's house can you
6 describe the location of the defendant's house in Pound
7 Ridge?

8 A. It seemed like it was in the middle of the woods, but
9 it was really dark, it was at night so I couldn't really
10 take a good look at the neighborhood.

11 Q. And while you were living and working in Pound Ridge
12 did you ever see any public buses go by the defendant's
13 house?

14 A. No.

15 Q. Did you know where the train station was?

16 A. No.

17 Q. Was there any sidewalk in front of his house?

18 A. No.

19 Q. How would you describe the neighborhood once you got
20 up and you saw what it looked like in daylight?

21 A. It was -- it was -- as I mentioned it was like in the
22 middle of the woods.

23 Q. Now the first week that you were at the defendant's
24 house did you go out at all?

25 A. I believe one or two times.

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1 Q. And do you remember where you went?

2 A. We went to a restaurant and then we went to the CVS.

3 Q. And do you remember anything happening in CVS?

4 A. We -- he wanted to pick up some medicine and the
5 pharmacist looked at --

6 MS. CESARE: Objection.

7 Q. Without saying any -- Bernadett, I just -- you can't
8 testify as to what other people said.

9 A. Oh, sure.

10 Q. So how was your English at the time that you went to
11 the pharmacy?

12 A. Oh, not really good.

13 Q. And did you have any money with you when you came to
14 the defendant's house?

15 A. I only had \$200 with me.

16 Q. Why didn't you have more money?

17 A. Because he said that -- or Joanna said that he would
18 take care of all my expenses.

19 Q. Did the defendant buy you anything when you were
20 living at his house?

21 A. No.

22 Q. Did he ever take you out to eat, Bernadett?

23 A. Yes.

24 Q. How many times did you go out to eat?

25 A. I would say four to five times.

Ms. Herczeg - Direct - Ms. Stone

1 Q. And did he ever take you on any trips to New York
2 City or some place else?

3 A. No.

4 Q. Did he ever take you to the movies?

5 A. No.

6 Q. Now, Bern, when you were living at the house who else
7 was living at the house?

8 A. His wife and another girl.

9 Q. Who was the other girl?

10 A. Her name was Gisele.

11 Q. And when you got to the house did you have a cell
12 phone?

13 A. Yes.

14 Q. And did you use that cell phone while you were living
15 at the defendant's house?

16 A. Yes.

17 Q. And how often did you use it?

18 A. Well, I tried to -- I tried to keep it turned off
19 because I didn't have any charger -- I mean the European
20 and the American plugs are different, and I didn't have
21 the little transfer meter thing for my charger, so I
22 tried to keep it turned off, but I used once, I called my
23 dad.

24 Q. And did you use the home phone to call home?

25 A. Yes.

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- 1 Q. And how often did you use the house phone?
- 2 A. I was allowed to use only once in a week for seven
- 3 minutes.
- 4 Q. I'm sorry, once what every seven minutes?
- 5 A. Once in a week.
- 6 Q. Once a week. And what do you mean you were only
- 7 allowed to use it once a week for seven minutes?
- 8 A. Well, Mr. Yannai told me that I could -- I could call
- 9 my parents once in a week for seven minutes.
- 10 Q. And when you made phone calls were you alone when you
- 11 made the phone calls using the house phone?
- 12 A. No.
- 13 Q. Where did you make the house -- the phone calls?
- 14 A. In his office.
- 15 Q. And who was there?
- 16 A. Himself.
- 17 Q. Now were these conversations in English or Hungarian?
- 18 A. It was in Hungarian.
- 19 Q. And were there any rules about use of the computer?
- 20 A. Yes. He said that I could check my e-mails also once
- 21 in a week and he always wanted to see all my e-mails or
- 22 listen to my phone conversations.
- 23 Q. Did he actually say he wanted to see your e-mails?
- 24 A. Yes.
- 25 Q. Now did you have your own computer?

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1 A. No.

2 Q. And did the defendant have any rules about what you
3 were supposed to wear to work in the house?

4 A. Yes. I was allowed to wear high heels, skirts,
5 shirt, and a blazer.

6 Q. And how many weeks did you work for the defendant,
7 Bernadett?

8 A. I worked for three weeks.

9 Q. And after the first week were there any additional
10 rules or requirements about what you should or shouldn't
11 wear?

12 A. Yes. He said that I shouldn't be wearing a bra.

13 Q. So did you follow the instructions about what to
14 wear?

15 A. Yes.

16 Q. Why did you follow the instructions?

17 A. Because I wanted to keep my job.

18 Q. And the first week that you were in the house who
19 explained what your job would be, your responsibility?

20 A. That was actually Gisele.

21 Q. And the first week that you were in the house what
22 kind of work did you do?

23 A. I search on the internet for the churches.

24 Q. Can you just describe for us a little bit what that
25 involved looking for the churches?

Ms. Herczeg - Direct - Ms. Stone

1 A. It's -- there is a website called Churchangel.com,
2 and in the website there was the name of the church, the
3 address, phone number, fax number, the minister's name,
4 any kind of contact information. So I had to collect all
5 these information and enter it in an Excel spreadsheet.

6 Q. What was it supposed to be for?

7 A. It was supposed to be for his new book. He wanted to
8 sell his new book to churches.

9 Q. And how many days a week were you required to work?

10 A. Six days a week.

11 Q. And how many hours a day?

12 A. Eleven.

13 Q. And what type of day were you supposed to start your
14 work?

15 A. 8 a.m.

16 Q. And did anything ever happen one day when you were
17 late?

18 A. Yes, he would -- he would come into my room and
19 saying that it's already 8 a.m. So I supposed to be
20 downstairs and working.

21 Q. When you say "he," who came into your room?

22 A. Mr. Yannai.

23 Q. And after the first week that you lived and worked in
24 the defendant's house did the rules change at all?

25 A. Yes.

Ms. Herczeg - Direct - Ms. Stone

1 Q. Did your work change at all?

2 A. The work on the internet was the same, but other
3 things came to be my duties.

4 Q. What were those other duties, Bernadett?

5 A. I had to make a bath for him in the morning and wake
6 him up from his nap in the afternoon.

7 Q. Okay. Before you describe all of these other
8 responsibilities and what happened I just want to ask
9 you, were there times when you went out in public with
10 the defendant?

11 A. Yes.

12 Q. And when you were out did he ever touch or kiss you?

13 A. Yes, he was -- he was trying to kiss me in the
14 supermarket.

15 Q. How did that make you feel, Bernadett?

16 A. Really uncomfortable.

17 Q. What did you do?

18 A. I refused it.

19 Q. And while you were in the house did the defendant
20 ever say anything about what food you should eat or
21 shouldn't eat?

22 A. Yes, he said that we have breakfast and we go out for
23 lunch and Elena would make dinner, but in the meantime if
24 I would get hungry I should just eat an apple or drink a
25 cup of tea.

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- 1 Q. Was there a reason why he said you should only eat an
2 apple or drink coffee?
- 3 A. Yes.
- 4 Q. What was the reason he gave you?
- 5 A. He said I was fat.
- 6 Q. Now were there also any rules about kissing or
7 hugging in the house? Any requirements?
- 8 A. Besides -- besides after the nap time, no.
- 9 Q. Anything before going to sleep at night?
- 10 A. Oh, yes. He always wanted -- he always wanted me to
11 say goodnight before I went to bed, and hug him and kiss
12 him.
- 13 Q. And would you hug and kiss him?
- 14 A. I think it happened once, twice.
- 15 Q. Did he ever hug or kiss you before you went to bed?
- 16 A. Yes.
- 17 Q. Where did he kiss you?
- 18 A. He would -- he was trying to kiss my lips.
- 19 Q. What did you do when he tried to kiss your lips,
20 Bernadett?
- 21 A. Tried to refuse it.
- 22 Q. Now the second week in the house you said you
23 continued to work at the computer, where was that in the
24 house, Bernadett?
- 25 A. It was -- it was in his office, it was downstairs.

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1 Q. And when you worked at the computer was it on a desk?

2 A. Yes.

3 Q. And did the defendant ever come behind you when you
4 were working at the computer?

5 A. Yes.

6 Q. And what did he do when he came behind you?

7 A. He would stand behind me and he would just grab my
8 breast.

9 Q. And what would you do when he did that?

10 A. I couldn't really do anything. I was -- the desk was
11 in front of he and he was standing behind he, I couldn't
12 really move.

13 Q. How often did this happen?

14 A. Couple of times a day.

15 Q. A couple of times a day, and that was starting in the
16 second week?

17 A. Yes, after when he -- he wanted me not to wear bra.

18 Q. Now you said that during the second week it was
19 explained to you that part of the work involved helping
20 the defendant with his bath?

21 A. Yes.

22 Q. So what was involved in helping him with the bath?

23 A. He wanted me to make the water for him, and he wanted
24 cigarettes, the phone, and towels in the bathroom, and
25 after his bath he wanted me to dry him with a towel.

Ms. Herczeg - Direct - Ms. Stone

- 1 Q. How'd that make you feel, Bernadett?
- 2 A. It was really uncomfortable.
- 3 Q. Did anybody else help out with the bath?
- 4 A. Yes, that was Gisele.
- 5 Q. And did you do this every day or did Gisele do it
- 6 some days? How did that work?
- 7 A. Sometimes we were both of us in the bathroom while he
- 8 was taking his bath, sometimes just Gisele or myself --
- 9 just myself.
- 10 Q. Now one day when the defendant took a bath and he got
- 11 out of it to dry himself off did he touch your head in
- 12 any way?
- 13 A. Yes.
- 14 Q. Can you please describe what he did?
- 15 A. I was handing him a towel and he would grab my
- 16 shoulders and he would push me down on my knees, and then
- 17 he would touch the back of my head, and he was pushing my
- 18 head towards his penis.
- 19 Q. Where did he touch you on the back of your head,
- 20 Bernadett?
- 21 A. Right here (indicating).
- 22 Q. And can you describe how he pushed your head?
- 23 A. He grabbed my hair and then --
- 24 Q. Did he say anything about your hair, if you can
- 25 remember?

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1 A. He said that -- something about women like this.

2 Q. What did you do after he grabbed your hair and he
3 pushed you to the ground and pushed your head towards his
4 penis, what did you do?

5 A. I just -- I was trying to -- I was trying to do what
6 he wanted me to do, but I couldn't do it.

7 Q. And did you say anything to him when he pushed your
8 head towards his penis?

9 A. Yes, I said I can't. I'm not able to do it.

10 Q. And how were you feeling at that time, Bernadett, in
11 the bathroom?

12 A. It was -- it was horrible. I felt -- I just felt it
13 wasn't right.

14 Q. Were you afraid of anything?

15 A. I was trying to -- I was trying to do what he wanted
16 me to do because I was afraid if I refusing him all the
17 time he would -- he would kick me out.

18 Q. Now what did you mean when you said you were trying
19 to do what he wanted you to do? What do you mean by
20 that?

21 A. Well, it was obvious that he wanted me to perform
22 oral sex on him.

23 Q. But did you want to do oral sex?

24 A. I'm sorry?

25 Q. Did you want to perform oral sex?

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1 A. No.

2 Q. Did you agree to perform oral sex?

3 A. No.

4 Q. Was there anything you were afraid of when you
5 refused to give him oral sex?

6 MS. CESARE: Already asked. Objection.

7 THE COURT: Could you repeat the question?

8 MS. STONE: Was there anything else you were
9 afraid of when you refused to give him oral sex?

10 THE COURT: What's the basis for the objection?

11 MS. CESARE: She's already asked that question.

12 THE COURT: Overruled.

13 Q. You can answer the question, Bernadett.

14 A. Oh, well, at this point it was -- it was the
15 beginning of the second week, I believe. So at this
16 point I was -- I was afraid of that I would be kicked
17 out, and later on I -- I was afraid that he would -- he
18 would just make me -- make me disappear, make me vanish,
19 take me somewhere and just not coming back.

20 Q. Now when you told the defendant you didn't want to
21 perform oral sex did he say anything to you about that?

22 A. He said that it's okay for now, but later on I will
23 beg for him for that.

24 Q. When you say, what was the word? If you could just
25 re --

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1 A. Beg.

2 Q. Beg. Beg. Did he -- I'm sorry, did he say anything
3 else?

4 A. No, not at this point. I don't remember.

5 Q. And you also discussed, Bernadett, that it was part
6 of your job to wake him up from his nap?

7 A. Yes, that's correct.

8 Q. Where did the defendant take his nap?

9 A. He took his naps in his bedroom.

10 Q. And where was the bedroom in the house?

11 A. The bedroom was on the same level where the -- his
12 office was.

13 Q. And can you please describe the bedroom?

14 A. The bedroom was -- it was a big room with a king size
15 bed with a mirror on the wall, some chairs.

16 MS. STONE: Your Honor, I noticed that it was
17 past 2 o'clock, I was wondering if this would be a good
18 time to take a break in her testimony?

19 THE COURT: Okay.

20 THE CLERK: 3:15, Counsel. All rise.

21 (Jury exits the courtroom.)

22 THE COURT: Can you come up for a minute?

23 MR. SPECTOR: Judge, would you like the witness
24 to step away?

25 THE COURT: Yes.

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(Witness excused.)

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1 THE COURT: Maybe you should have Ms. Chen
2 here, but what -- I gather there are certain things that
3 you don't want to disclose.

4 MR. SPECTOR: That's correct.

5 THE COURT: A non-disclosure about her visa
6 information, including her I914 application form or visa
7 approval notification. Is there anything in there that
8 you would otherwise be required to disclose?

9 MR. SPECTOR: Well, we've done an analysis.
10 There's certain portions of the form where there are yes
11 or no questions that the witness checks off. There's
12 nothing that's checked that's inconsistent with anything
13 else that's in either this document or another document,
14 but they have the sample yes or no without those checked.

15 THE COURT: Well, I mean arguably the statute
16 overrules Section 3500, which itself is not a
17 constitutional rule, but there is a question of Brady
18 material which is a constitutional rule, but Brady -- the
19 term Brady material is often -- it's a term of art that's
20 often overlooked. The term of art is that it has to
21 cause a reasonable doubt that would not otherwise have
22 been present. I think that's what it is. In either
23 event it has to be the kind of evidence that would affect
24 the verdict. Normally it's thrown around loosely to
25 reflect anything that might be helpful to the defense.

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1 MR. SCHNEIDER: I take offense. Giglio was
2 much broader. Giglio also has a constitutional right.

3 THE COURT: Well, it does, I don't distinguish
4 between Giglio and Brady, it's the same thing, it's a
5 constitutionally-based rule.

6 MR. SCHNEIDER: Yes.

7 MS. CESARE: I'm interested in knowing what
8 kind of benefits the Government provided to this witness,
9 you know, in addition to her 3500 statements, we're
10 interested in knowing has this witness received any
11 financial benefits as a result of her being a witness in
12 this case? Has she received any stipends, rent
13 assistance, other types of financial benefits?

14 MS. STONE: Your Honor, there have been no
15 direct benefits that the Government provided to this
16 witness at all. Under New York State law she was
17 entitled, as a trafficking victim, to receive certain
18 state assistance. I don't know what state assistance she
19 received. She received shelter at a local domestic
20 violence shelter in West Chester County where they
21 provided her with housing, they provided her with
22 counseling. I wouldn't even know the exact nature of
23 everything they provided to her. I know that there was a
24 lawyer at the shelter, health benefits. It's what the
25 state law provides, and she certainly received that when

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1 she was in the shelter.

2 MS. CESARE: And we're interested in knowing if
3 any of the prosecutors or agents in this case filled out
4 any applications which led to the receipt of these
5 benefits.

6 MS. STONE: We provided you with -- there is a
7 one page form that New York law requires the state law
8 enforcement to fill out when there is a potential
9 trafficking victim that's provided to the Division of
10 Criminal Justice Services as well as OTDA, which is a
11 state agency, and that was a form that in this particular
12 case I believe I filled out and it was -- a copy was
13 provided. I did obtain it from the state and we provided
14 it in discovery.

15 MS. CESARE: So the form that you filled out on
16 March 16th, 2008 is the form that led to this witness
17 getting benefits from the Government. We'd like to know
18 what benefits she's receiving.

19 MS. STONE: Those would be provided by a
20 confidential domestic violence shelter. I don't even
21 know that they would even disclose that she had been a
22 resident.

23 THE COURT: Well, the Government doesn't know,
24 what do you want me to do? You could ask her, she might
25 tell you. So I'm asking you again, is there anything in

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1 this stuff that you would be required to disclose under
2 Brady or Giglio?

3 MS. STONE: No, Your Honor.

4 MS. CESARE: No, we have nothing else to say,
5 Your Honor.

6 THE COURT: All right. I think you should seal
7 this stuff and make it part of the record. I don't know
8 what you want to do. The statute seems to be fairly
9 clear.

10 MR. SPECTOR: Judge, why don't we consult --

11 THE COURT: I mean arguably, you know, it could
12 come in by the Attorney General at his discretion to law
13 enforcement officials to be used solely for a legitimate
14 law enforcement purpose. Now, you know, with a little
15 imagination you could make an argument that this fits
16 this.

17 MR. SPECTOR: Judge, we'll consult with
18 Ms. Chen over the lunch break, but my understanding is
19 the provision we're relying on is the waiver provision,
20 that is the witness with her criminal defense attorney
21 waived her rights under the statute as to just the
22 limited portion that we've disclosed today.

23 MR. SCHNEIDER: So we would be -- we could
24 question her about her failure to waive her
25 confidentiality for the rest of the form.

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1 THE COURT: I don't know why not.

2 MS. STONE: I don't believe, Your Honor, she
3 was asked to waive her confidentiality et cetera.

4 THE COURT: Well, why didn't you ask her to
5 waive it? What's the big deal here? I don't see why
6 you're making a -- you know, you're making an issue out
7 of nothing.

8 MR. SPECTOR: Well, respectfully, Judge, I
9 don't think it's out of nothing. There's a lot of
10 sensitivity over this issue and we're trying to balance
11 the needs of the Constitution and 3500 against the
12 trafficking status and the protections given to victims.

13 THE COURT: She's testifying here in open
14 court. I don't know what more would be in those forms.
15 Maybe there is, I don't know. I can understand the
16 desire to protect privacy, but you know, to a certain
17 extent she's coming in here and testifying to everything
18 that happened. I just don't know why you want to make an
19 issue over something that may not be an issue.

20 MR. SPECTOR: Well, why don't we have the
21 opportunity to consult with Ms. Chen and we'll address
22 this if we need to after lunch.

23 THE CLERK: 3:15.

24 THE COURT: Or you could have something in the
25 middle where you could at least show it to them and they

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1 could argue to me. I mean if they disagree with your
2 assessment of whether or not there's anything useful in
3 there. I don't know why you want to make an issue over
4 this.

5 MR. SPECTOR: We'll get back to you. Thank
6 you, Judge.

7 (Court recessed.)

8 THE COURT: Okay. What?

9 MR. SPECTOR: I think first, Ms. Chen is here
10 to address the T visa issue.

11 MS. CHEN: Your Honor, I understand you had a
12 question about why we approached this matter as we did in
13 terms of having a waiver with respect to the substantive
14 narrative statement and still seeking to protect the
15 actual form, which is a sort of computer-generated form,
16 as well as the notification.

17 And the problem for us, Your Honor, is that
18 we're in a bit of conundrum because the statute, 8 USC
19 1367, pretty clearly states that the Government, the
20 attorney general, is not supposed to release any
21 information relating to a beneficiary of a T visa.
22 Presumably, that includes all of these documents. The
23 exemptions that are allowed under the statute are fairly
24 narrow, one of them being the waiver.

25 I understand the Court may have questioned why

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1 we didn't seek to get a waiver from the victims for
2 everything. And the truth is it's a bit of a policy
3 issue and -- for us because clearly, the statute was
4 intended to provide the maximum amount of protection for
5 victims of trafficking and to --

6 THE COURT: Protection from whom?

7 MS. CHEN: Well, from the traffickers because
8 there's --

9 THE COURT: I know but, you know, first of all,
10 there's only one, assuming you could accurately
11 characterize him as a sex trafficker.

12 MS. CHEN: Your Honor, if I may, and we're
13 concerned a little bit about setting a precedent because
14 the statute is --

15 THE COURT: We won't tell anybody.

16 MS. CHEN: I appreciate that. But there are a
17 lot of devious lawyers out there, Your Honor, who may
18 given --

19 THE COURT: And you know, I can't tell you how
20 many hundreds of cases like this I've had.

21 MS. CHEN: No, I understand that. But we are
22 trying to be careful in protecting the rights.

23 This is not to say, Your Honor, that you can't
24 order us to do it. But under the statute, we view
25 ourselves as bound by the limits of the waiver, which we

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1 have --

2 THE COURT: Yeah. But you didn't ask her.

3 MS. CHEN: Okay.

4 THE COURT: I don't know. Did you ask her and
5 she refused or she -- you didn't ask her?

6 MS. CHEN: No, we did not ask her, Your Honor.

7 And --

8 THE COURT: So why don't you ask her?

9 MS. CHEN: Because we are concerned about
10 eroding the right that we think Congress provided for.
11 And I understand what you're saying that it's not likely
12 maybe that other traffickers or this trafficker will care
13 about the information. At the same time, we don't want
14 to be in the position of setting that precedent.

15 THE COURT: You can turn it over to the -- you
16 can -- it could be a limited waiver. I mean, they're not
17 going to go through this on the record. They could just
18 take a look at it. I don't know what's in there that's
19 usable or not usable.

20 MS. CHEN: Well --

21 THE COURT: Look, you could -- you know, you
22 decide what you want to do. I don't --

23 MS. CHEN: Well, Your Honor, if you --

24 THE COURT: This is -- I just don't see -- I
25 take a very pragmatic view of these things, and I don't

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1 see making issues over nothing.

2 MS. CHEN: Well --

3 THE COURT: And that's what you're doing it
4 seems to me.

5 MS. CHEN: Your Honor, perhaps a compromise
6 would be since we would be directly contravening the
7 statute, if we voluntarily disclose it --

8 THE COURT: I don't know that you would be
9 directly contravening the statute because you read this
10 attorney general's discretion to apply to, you know, a
11 trial of a case and --

12 MS. CHEN: It does seem to suggest we're only
13 allowed to give it to law enforcement officials using
14 that discretion. But if the Court were to order it, we
15 would simply ask that it could turn over redacted copies
16 that removes personal information and the scanning data
17 that's embedded in the document. And we would be willing
18 to do that. I have the copies.

19 THE COURT: All right. I'll order it. Turn it
20 over.

21 MS. CHEN: Thank you, Your Honor.

22 THE COURT: He'll give you -- get a lawyer and
23 then get an -- he'll give you an immunity letter.

24 MR. SPECTOR: Thank you, Judge.

25 MS. CHEN: I'm counting on Mr. Spector to

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1 represent me. Thank you, Your Honor. We'll turn these
2 over.

3 MR. SCHNEIDER: Oh, should we discuss Juror
4 Number 12 --

5 THE COURT: Yeah.

6 MR. SCHNEIDER: -- while we're here?

7 MS. CHEN: Your Honor, if you could also order
8 that these would be governed by the same protective order
9 with respect to not --

10 THE COURT: Yes.

11 MS. CHEN: -- distributing it.

12 THE COURT: The same protective order, and give
13 it back when you're finished.

14 MR. SCHNEIDER: We'll give it back when we're
15 today or with this witness.

16 MR. SPECTOR: As to Juror 12, it's the
17 Government's position that the appropriate course of
18 action is to do nothing. She said that she continue --
19 she can continue. The fact that she's had an emotional
20 reaction does not serve as a basis for --

21 THE COURT: I generally agree with that, but
22 let me hear from --

23 MR. SCHNEIDER: We think that the fact that --
24 we've noticed her emotional reactions. And had we just
25 noticed them, without more we wouldn't have done anything

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1 about it. But the fact that she mentioned it to the
2 courtroom deputy we think raises the significance of it
3 enough that the Court should bring her in and question
4 her just about whether she can keep an open mind and
5 follow the Court's instructions.

6 MR. SPECTOR: But she hasn't indicated anything
7 other than that she's able to continue and follow the
8 Court's instruction.

9 THE COURT: But see, you have to learn not to
10 make issues out of nothing. You don't have to
11 reflexively oppose everything. If she says she can, she
12 can. Then if she says she can, I'm going to let her sit.
13 People have emotional reactions to things and they don't
14 necessarily show it.

15 I mean, you know, so she has an emotional
16 reaction to it. And I'll ask her whether that would
17 affect -- you know, that somehow that she's -- you know,
18 she should -- that I instructed the jury that they should
19 keep an open mind until the end of the case and I hear
20 all the evidence and my instructions on the law and the
21 arguments of counsel -- I know this by heart. And you
22 know, can she do that?

23 MR. SPECTOR: One other issue I think it's
24 appropriate to address now. Ms. Herczeg is going to be
25 the last victim that we're calling in the case. That

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1 raises two issues. One, since Gisele Lunkes will not be
2 a witness, we -- our position is it's not appropriate for
3 the defense to cross-examine Ms. Herczeg about whether
4 Ms. Lunkes was victimized -- was a victim of any of the
5 charged crimes, whether Ms. Lunkes, you know, felt free
6 to leave, anything like that.

7 THE COURT: What do you intend to ask about?

8 MS. CESARE: It's really the same scenario as
9 we have with the last witness. I intend to ask this
10 witness about who was present in the house when she was
11 there, and one of the people was Ms. Lunkes. So I intend
12 to ask her who was in bed with her when she was in bed
13 with Mr. Yannai. And Ms. Lunkes --

14 THE COURT: All right. Well --

15 MS. CESARE: -- was one of the people in the
16 bed.

17 THE COURT: -- if that's it I'm going to allow
18 it. How this all helps them is another story, but you
19 don't have to object just because they want something.

20 MR. SPECTOR: Thank you, Judge. I'll try to
21 keep that in mind.

22 And that also raises our 404(b) application,
23 which Ms. Jager will address.

24 MS. JAGER: In our pretrial motions, the
25 Government filed a motion under 404(b) to call a victim

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1 from 1992 who had filed a police report against the
2 defendant under strikingly similar circumstances to those
3 presented here. It's our position, as laid out in our
4 papers, that she would be an appropriate witness under
5 404(b) for two reasons; one, because of the -- it goes to
6 the defendant's plan and his MO and also because it goes
7 to intent. And as intent is a critical issue in this
8 case and as noted in our papers where it's particularly
9 probative that intent is a critical issue, 404(b)
10 testimony is important.

11 And here, the witness testimony that she did
12 not consent or that the -- excuse me, here, the 404(b)
13 witness will testify that she was hired by the defendant
14 to be -- to work in his home 20 years ago for him and his
15 wife. That he pressured her to become a part of the
16 family. That he then tried to touch her. That she
17 immediately said no, went to the police and filed a
18 report against him, and that the case was ultimately --
19 she ultimately dropped the case because he filed counter
20 -- his wife filed counter charges against her for
21 allegedly stealing property that was in his home.

22 It's our position that she would be an
23 appropriate witness under 404(b), it goes to --

24 THE COURT: Well --

25 MS. JAGER: -- his --

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1 THE COURT: -- first of all, if I were you I'd
2 rely on 413 but go ahead.

3 MS. JAGER: It goes in part to his intent while
4 he -- why he's bringing illegal immigrants to the country
5 under, as charged in this case, that people who are U.S.
6 citizens are going to -- more likely to go the police,
7 that they don't feel the same fear of the threat of legal
8 process. It also goes to his plan.

9 Is there anything else?

10 THE COURT: Well --

11 MS. JAGER: Excuse me.

12 THE COURT: Have you briefed this? Have you
13 sent me a letter on this?

14 MR. SPECTOR: We did, Your Honor. It was in
15 our omnibus brief filed on May 6th.

16 THE COURT: Well, let me --

17 MS. JAGER: It's pages 32 to 30, excuse me, 8
18 of our pretrial omnibus motion, excuse me, page 40 -- 32
19 to page 40 of our pretrial motion.

20 THE COURT: Okay. I'm not going to deal with
21 that.

22 What's your ground for your objection? 413 of
23 the Federal Rules of Evidence says that a criminal case
24 in which the defendant is accused of an offense of sexual
25 assault, evidence of a defendant's commission of another

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1 offense or offenses of sexual assault is admissible --

2 MR. SPECTOR: Judge, just --

3 THE COURT: -- and may be considered for its
4 bearing on any matter to which it's relevant.

5 MR. SPECTOR: Judge, just to be clear, I mean,
6 I -- we had I think addressed this in our papers that we
7 initially did consider Rule 413. If you look closely at
8 the definition of an offense of sexual assault, it
9 doesn't appear to include groping. And the 404(b)
10 witness will testify as to conduct confined just to
11 groping. So that's why we think 404(b) is actually the
12 more appropriate framework.

13 MR. SCHNEIDER: I think what they're saying is
14 that 413 doesn't apply because it's limited to certain
15 types of sexual assault, which didn't occur according to
16 this witness they want to call.

17 MS. JAGER: According to this witness, he
18 grabbed her breasts as, which of course, we've heard
19 similar testimony about in this trial.

20 MR. SCHNEIDER: Right. But sexual assault is
21 limited to a crime --

22 MR. SPECTOR: We don't dispute that.

23 MS. JAGER: That's correct. We don't dispute
24 --

25 MR. SPECTOR: We're not seeking it under 413.

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1 MR. SCHNEIDER: Okay.

2 THE COURT: So tell me again what you want to
3 admit this for?

4 MS. JAGER: Under 404(b), we believe this is
5 probative evidence that goes to the defendant's plan and
6 also goes to his intent, his plan to -- in bringing women
7 to work in his home to sexually assault them. Also goes
8 to his -- you know, the critical question seems to be
9 that the defense appears to be raising is whether or not
10 the women consented, whether or not they knew what --

11 THE COURT: Well, of course, first of all, it
12 seems to me that, you know, to say this is part of a
13 common scheme or a plan is really undermined by the --
14 well, this was 1994?

15 MS. JAGER: 1992. But it's the --

16 THE COURT: 1992.

17 MS. JAGER: -- same plan of seeking women to
18 come work in his home.

19 THE COURT: Well, it's the same -- well --

20 MR. SCHNEIDER: Just --

21 THE COURT: -- it's one woman.

22 MR. SCHNEIDER: It's woman who did not come
23 from overseas. She was an American.

24 THE COURT: Well, and the other half of it is
25 you're --

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1 MS. JAGER: I mean, it really goes ---

2 THE COURT: -- making an inconsistent argument.

3 You know, before you were arguing that just because one
4 woman consented doesn't mean everybody else consented.

5 And now just because one woman did not consent, that
6 somehow proves that --

7 MR. SPECTOR: Judge --

8 THE COURT: -- that these women did not.

9 MR. SPECTOR: I don't --

10 THE COURT: I mean, I don't --

11 MR. SPECTOR: I don't think that's

12 inconsistent. I mean, I think we see that in the

13 criminal law all the time. Again, I think a clearest

14 example of that is a fraud case. You can have a person

15 who committed fraud against some clients and not others.

16 If they committed a similar kind of fraud against a

17 client before the charged conduct, that could still come

18 in. That's not inconsistent with the notion that lawful

19 conduct as to other potential victims is irrelevant.

20 MR. SCHNEIDER: It's not a question of the

21 defendant's conduct. It's a question of the consent of a

22 alleged victim.

23 THE COURT: I'm not inclined to allow it.

24 That's my tentative ruling. I'll think about it.

25 Anyone -- let's get her out of the way then.

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1 (Pause)

2 THE COURT: I want to deal with the juror
3 first.

4 (Pause)

5 THE COURT: If this is the last victim witness,
6 how many witness more are there?

7 MR. SPECTOR: We have two law enforcement
8 witnesses and the 404(b) witness.

9 THE COURT: Why don't you take a seat up here
10 for a minute? You'll be more comfortable.

11 (Juror Number 12 enters the courtroom.)

12 THE CLERK: Juror Number 12, Judge.

13 THE COURT: Juror Number 12, my case manager
14 said that you were upset by the testimony of one of the
15 witnesses yesterday, was crying. And the real question
16 is, you know, people can show emotion in various ways.
17 Even without crying they can be emotionally affected.

18 The real question I have is if you recall what
19 I instructed the jury I explained -- in fact, one of the
20 reasons we don't want you even to talk about the case
21 among yourselves and with other people is that we wanted
22 you to keep an open mind until you've heard all the
23 evidence, my instructions on the law and then the
24 arguments of counsel. And then you can reach whatever
25 conclusion you wish to reach with your fellow jurors.

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1 And what I want to ask you is can you follow
2 those instructions?

3 JUROR NO. 12: Like I told Paula this morning,
4 I'm trying my best because of the rest of the jurors I
5 think and for the defendant.

6 THE COURT: I can't hear you, I'm sorry.

7 JUROR NO. 12: I said, like I told Paula this
8 morning, I'm trying my best for the rest of the jurors
9 and for the defendant, but I'm a mother first.

10 THE COURT: And so the answer to my question is
11 what? Can you keep an open mind for the remainder of the
12 trial? I mean, people -- I don't want to talk about this
13 case, but there -- the fact that someone is charged with
14 a crime and it's a terrible crime doesn't necessarily
15 mean they are guilty. And so the question is -- that's
16 why we have jury trials. Otherwise we'd --

17 JUROR NO. 12: Exactly. That --

18 THE COURT: It would be pointless. And some --
19 and there are some trials that in capital cases where the
20 crime is so much more gruesome. And, you know, the
21 question is whether or not you can keep an open mind
22 until the end of the trial or whether or not, you know,
23 you've already reached a judgment that isn't at all
24 unalterable.

25 JUROR NO. 12: I haven't honestly. You know,

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1 I'm -- you know, like I said, I'm a mother and I think
2 everyone deserves a chance. I just cannot, my emotions
3 -- everyone deserves a chance. I mean, this is just
4 painful the things that I have to hear. It's not that
5 I'm saying oh, he's guilty or anything. I just feel bad,
6 you know. I haven't said I made up my mind because, like
7 I said, everyone deserves a chance. But it's just
8 painful for me to have to hear these --

9 THE COURT: Well --

10 JUROR NO. 12: When I'm with the jury they try
11 to, like, you know, we try to ignore it and I'm trying
12 to, you know, be strong. But --

13 THE COURT: Well, let me ask you this. Is it
14 just too painful to listen to this?

15 JUROR NO. 12: Honestly, yes.

16 THE COURT: This is I understand the last
17 witness who's going to testify.

18 JUROR NO. 12: And that's what I asked Paula,
19 how many more do I have to hear before --

20 THE COURT: This is the last -- not the last
21 witness in the trial but the last witness who will give
22 testimony that you find disturbing. So to the extent
23 that the testimony itself disturbs you, that's pretty
24 much almost all done.

25 So again, you know, I have to have an honest

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1 answer. We have two alternates. If you don't feel that
2 you can -- the purpose of a trial is really to decide if
3 someone is guilty or innocent. And the fact -- it
4 doesn't matter what crime they're charged with. And as I
5 said, there are trials in this courthouse that involve
6 gruesome murders, torture, I mean, I don't want to go
7 through it all. And jurors -- you know, we don't -- we
8 just don't put people away in jail just because the
9 Government has filed a charge.

10 So the real question I have to know is whether
11 you can deliberate -- you can sit and consider all the
12 evidence and then, with your fellow jurors, you can keep
13 an open mind until you sit down to deliberate with your
14 fellow jurors. And then you can reach whatever verdict
15 you think you want to reach. I mean, you haven't heard
16 the arguments of the lawyers, for example, and they're
17 very good lawyers.

18 JUROR NO. 12: Think I can.

19 THE COURT: Can you assure me that you can?
20 I'm worried about the I think. Sometimes it's a word
21 that people use in general. I need an -- I think is not
22 enough. I need to know yes or no whether you can do it.

23 JUROR NO. 12: Yes, I can.

24 THE COURT: All right. Go back to the jury
25 room. Please don't discuss this with the --

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1 JUROR NO. 12: Oh, no, no.

2 THE COURT: -- fellow jurors.

3 (Pause)

4 THE COURT: Bring in the jury.

5 MR. SPECTOR: Judge, should we bring out the
6 witness?

7 THE COURT: Yeah.

8 MS. STONE: Thank you.

9 (Witness takes the stand.)

10 THE COURT: Are you going to put on a defense
11 case? You don't have tell me.

12 MR. SCHNEIDER: We anticipate perhaps one very
13 short witness.

14 THE COURT: Okay. So we could conceivably
15 finish this case tomorrow --

16 MR. SPECTOR: Yes.

17 THE COURT: -- I mean, the evidence part.

18 MR. SPECTOR: Yes, Judge.

19 MR. SCHNEIDER: Yes. That's -- I anticipate
20 that. It would be very long arguments to get to three
21 weeks.

22 THE COURT: What?

23 MR. SCHNEIDER: It would be very long arguments
24 to get to three weeks.

25

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1 THE CLERK: All rise.

2 (Jury enters the courtroom.)

3 THE COURT: You can be seated.

4 I just wanted to tell you one thing, ladies and
5 gentlemen. We're moving quicker than I think you were
6 told with respect to the length of the trial. And
7 barring some unforeseen developments, we should finish
8 taking evidence tomorrow. So the next phase of the
9 trial, which will resume on Tuesday, will be the
10 summations of the lawyers and my instructions on the law.
11 And then depending on how long the summations are, you
12 could very well begin deliberating on Tuesday. And, you
13 know, how long you deliberate is up to you.

14 But as I'll tell you then and I just want to
15 tell you now, you shouldn't feel under any time
16 pressures. I just wanted you to know that to the extent
17 that you may have been told that the trial would last an
18 extra week beyond that. It's not going to.

19 Okay.

20 MS. JAGER: May I proceed, Your Honor?

21 CONTINUED DIRECT EXAMINATION

22 BY MS. STONE:

23 Q. Bernadett --

24 A. Yes.

25 Q. -- before the break, we were talking about your job

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1 involving waking the defendant from his naps.

2 A. Yes.

3 Q. And when did the defendant take his nap?

4 A. Usually between 11:00 a.m. and 1:00 p.m.

5 Q. And who would wake him up from his nap usually?

6 A. That would be Gisele and myself.

7 Q. And what would you do when you woke him up from his
8 nap? What was -- what were you supposed to do?

9 A. He wanted us to wake him up by hugging him, kissing
10 him and sitting on the bed with him or laying down on the
11 bed with him.

12 Q. And did the defendant tell you that that was what you
13 were supposed to do when you woke him up?

14 A. Well, he didn't say it. He was laying in bed, and
15 then he was trying to reach out for me and then hug me.
16 And that's what he wanted.

17 Q. Did you ever say anything to him about not wanting to
18 hug and kiss him when he got woken up from his nap?

19 A. Yes. In the very beginning I was trying to refuse
20 it. And then he would just unbutton my shirt and then --

21 Q. Bernadett, after he unbuttoned your shirt what would
22 the defendant do if anything?

23 A. He would be kissing my breasts and he wanted me to go
24 under the blanket. And he would grab my hand and put my
25 hand on his penis.

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1 Q. And when that happened that he grabbed your hand and
2 put it on his penis, what did you do with your hand when
3 he grabbed it?

4 A. I agreed.

5 Q. And was there ever any time that you didn't agree to
6 putting his hand on your -- on his penis?

7 A. Once he was -- he wanted me to masturbate with my
8 hand on him. And I stopped that. And he would say that
9 why would you stop it. I didn't tell you to stop. And I
10 started again because I felt like I had no choice.

11 Q. What was there about the situation, Bernadett, that
12 you made you feel like you didn't have a choice?

13 A. I was afraid of him. I was scared that he would hurt
14 me if I would refuse him.

15 Q. Was there a time when the defendant hit you?

16 A. He slapped me once.

17 Q. Where did that happen?

18 A. It happened in his bedroom in bed.

19 Q. Did he say anything to you when he slapped you?

20 A. He said that I was a dick head because I just didn't
21 want to agree what he wanted me to do.

22 Q. When you say you didn't want to agree to what he
23 wanted you to do, what were the types of things that you
24 weren't agreeing to?

25 A. It's -- it was all the sexual things what he expected

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1 me to do.

2 Q. Now, when these things occurred in the bedroom at the
3 end of the defendant's nap, was there ever a time the
4 defendant ever touched your breast?

5 A. Yes.

6 Q. Can you describe that?

7 A. He would touch all the time when we were in bed. And
8 then once he started kissing my breast and then biting my
9 breast. And I told him to stop it because it's painful.

10 Q. Did he say something to you when you asked him to
11 stop biting your breast?

12 A. He said that I'll get used to it.

13 Q. Did he say that in a way that was -- what was his
14 tone of voice when he said that?

15 A. He was like kind of smiling about it.

16 Q. I'm sorry.

17 A. He was kind of like smiling about it, like --

18 Q. Who was smiling about it?

19 A. Mr. Yannai.

20 Q. And how did it make you feel when he bit your breast?

21 A. It was pain. It was just -- that's what I felt.

22 Q. And was there a time when Gisele was ever in the bed
23 following the defendant waking from his nap?

24 A. Yes. She was -- most of the time she was there.

25 Q. And was there a time the two of you were together at

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1 the bed waking him up?

2 A. Yes.

3 Q. And one of those times when you and Gisele were both
4 on the bed did there ever come a time when the defendant
5 got on top of you?

6 A. Yes.

7 Q. Can you please describe to us how he got on top of
8 you?

9 A. He put his both knees on my both sides and he started
10 masturbating on me.

11 Q. Bernadett, what were you looking at when the
12 defendant did that?

13 A. I just closed my eyes.

14 Q. And did anything touch your body?

15 A. Yes. He ejaculated on my breast.

16 Q. And what did you do after he ejaculated on your
17 breast?

18 A. I felt like I was dirty. I felt like I -- I was
19 humiliated. And I just -- I started to cry.

20 Q. And before he ejaculated and his knees were
21 straddling your chest, were you able to move?

22 A. No.

23 Q. Why couldn't you move, Bernadett?

24 A. Well, Mr. Yannai is 6.1-foot -- feet-tall man and
25 big. There was no reason for moving or fighting back or

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1 to do anything. I just wanted the whole thing to be
2 over.

3 Q. And was Gisele in the bed?

4 A. She was.

5 Q. Did you see what she was doing?

6 A. No.

7 Q. And when you felt the defendant's semen on you, what
8 did you do? Did you go anywhere?

9 A. I got dressed and I went to take a shower right away.

10 Q. When you went into the bathroom to take a shower did
11 you feel like it was -- was there something that you had
12 trouble doing when you were in the bathroom?

13 A. I couldn't look at myself in the mirror.

14 Q. Why was that, Bernadett?

15 A. It just -- it felt like I was some kind of hooker or
16 -- it just felt dirty.

17 Q. And, Bernadett, after the defendant ejaculated you
18 did he say anything or --

19 A. He was just laughing.

20 Q. He was laughing. And what about Gisele?

21 A. I think she too.

22 Q. Now, after -- excuse me, was there ever any other
23 time when you went into the bedroom to wake up the
24 defendant from his nap that he touched you somewhere else
25 on your body?

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1 A. He was trying to put his finger into my vagina. And
2 I made up a story that I get infections real quick so --
3 I mean, really easily. So he didn't want to risk
4 himself. And actually, he didn't do it.

5 Q. So did he put his fingers in your vagina?

6 A. No.

7 Q. And how many days did this go on where the defendant
8 called you to his room to wake him up from his nap?

9 A. At least five or six days.

10 Q. And after this experience when he ejaculated on your
11 chest did you make a decision about what you wanted to do
12 concerning the job and working for the defendant?

13 A. The only thought that I had is that I have to leave
14 this house as soon as I can, as soon as I figure out how
15 I can get out. And that was the time when I was using
16 the internet without his permission and I e-mailed the
17 Hungarian woman who I contacted.

18 Q. So let's back up for a moment. Did you say something
19 to the defendant about wanting these sexual things to
20 stop?

21 A. Yes.

22 Q. And what did he say to you?

23 A. He said that if I wouldn't agree, wouldn't allow to
24 be a part of this game, I would be a piece of furniture
25 in his house. He said if I know what was the -- between

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1 -- difference between he, she and it because I will be
2 the it and no one could care about my health. No one
3 would care about if I was happy, if I had any problems.

4 Q. And, Bernadett, at this time was this after the
5 defendant had already told you you were only allowed to
6 call home once a week?

7 A. Yes.

8 Q. And were there any rules at this time about your use
9 of e-mails with friends and family?

10 A. It was the same. It was the same. He wanted to see
11 all my e-mails when I was checking on them.

12 Q. So when he said that you were going to be the it and
13 no one was going to care about you, what did -- what were
14 you thinking?

15 A. I was -- it hurt. It hurt a lot because I'm a human
16 being.

17 Q. Bernadett, after this -- was this like a conversation
18 or an argument or what was this like, this discussion?

19 A. It was kind of like, I don't know, well, a
20 discussion.

21 Q. After this did the defendant talk to you in the
22 house?

23 A. No.

24 Q. Did Gisele talk to you?

25 A. No.

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1 Q. And did they call you in for the nap?

2 A. No.

3 Q. Did they call you for in the baths?

4 A. No.

5 Q. And so at this point, were you glad that these sexual
6 things seemed to have stopped?

7 A. I was glad that the sexual acts stopped, but in the
8 other side that was the point when I was really scared
9 and afraid what was going to happen because that was his
10 main purpose with me to being in his house, to be part of
11 the sexual games. And that's when I decided to leave as
12 soon as I can.

13 Q. What were --

14 A. And --

15 Q. What were you afraid might happen, Bernadett, if you
16 continued to refuse to be part of the defendant's sexual
17 games?

18 A. My biggest fear was that he would just take me
19 somewhere and -- I mean, at this point, I was thinking
20 about a lot of things. He would kill me. He would just
21 take me somewhere where I -- I mean, I didn't know anyone
22 at all. So I don't know, he would just leave me
23 somewhere in the middle of I don't know where.

24 Q. Bernadett, were you able to contact somebody outside
25 the house?

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- 1 A. Yes.
- 2 Q. Who did you contact?
- 3 A. I contacted Csilla Stamler.
- 4 Q. How did you contact her?
- 5 A. I e-mailed her.
- 6 Q. Why hadn't you e-mailed her before?
- 7 A. Because the honest truth is that I just totally
- 8 forgot about her. I just -- I was really preoccupied
- 9 with my situation in the house, and I was just trying to
- 10 survive until my flight back home, which was on the 17th,
- 11 March the 17th.
- 12 Q. And --
- 13 A. And then --
- 14 Q. I'm sorry. Go ahead. And then what?
- 15 A. And then after when they stopped talking to me, I --
- 16 that's when I realized I was thinking of my
- 17 possibilities, what can be done, how can I contact
- 18 people. And she seemed the best idea.
- 19 Q. You hadn't -- had you met Csilla before?
- 20 A. No.
- 21 Q. And after did -- I'm sorry, did you call her or e-
- 22 mail her or -- if you remember?
- 23 A. First I e-mailed her. And then -- and when we met, I
- 24 think we exchanged phone numbers. And --
- 25 Q. Okay. So backing up for a second, Bernadett, where,

Ms. Herczeg - Direct - Ms. Stone

- 1 did you make a plan to meet Csilla?
- 2 A. I'm sorry, make a plan?
- 3 Q. Did you make a plan to meet Csilla?
- 4 A. Yes.
- 5 Q. And where did you meet her?
- 6 A. We met on one of the crossroads from -- it was near
- 7 -- nearby from his house.
- 8 Q. So was she in a car or walking?
- 9 A. Yes. Yes, she was by a car.
- 10 Q. And did you get in her car?
- 11 A. Yes. It was raining.
- 12 Q. And did you talk to her in the car?
- 13 A. Yes.
- 14 Q. Did you tell her everything that had happened in the
- 15 house?
- 16 A. No.
- 17 Q. Did you --
- 18 A. I --
- 19 Q. I'm sorry.
- 20 A. I briefed her about, like, some of the things, but I
- 21 didn't tell her everything.
- 22 Q. And did you make a plan when you were talking to her
- 23 to see her again?
- 24 A. At this point, she said she would buy me this charger
- 25 for the charger (sic). And we didn't really, like,

Ms. Herczeg - Direct - Ms. Stone

1 pinpoint a date. And --

2 Q. I'm sorry. What was the charger for, Bernadett?

3 A. It's for my phone.

4 Q. And is there a reason that you needed a particular
5 charger for your phone, your Hungarian phone?

6 A. It's like a transformator (sic) for the plugs because
7 it's different from here to -- the European plugs and
8 here it's different.

9 Q. And when you went out this first time to meet Csilla
10 had you told the defendant you were going out?

11 A. I said -- no, actually, no, I didn't. I didn't say
12 anything because that was when they didn't talk to me,
13 so.

14 Q. Now, when you first e-mailed Csillee, how did you
15 feel about writing an e-mail when you had been told not
16 to write e-mails?

17 A. I was really, really nervous. I was downstairs and I
18 believe that was during their bath time. So what I was
19 doing is was I was trying to download this website, and
20 it was pretty slow. And I would just keep looking by the
21 staircase. I was just so scared that either of them
22 would show up and then they would see me, what I was
23 doing.

24 Q. So after this first meeting with Csilla, did you end
25 up communicating with her again?

Ms. Herczeg - Direct - Ms. Stone

1 A. Yes.

2 Q. When was that?

3 A. It was on March 11th.

4 Q. If you remember, how many days after the -- was it
5 the next day, two days, do you remember how days later?

6 A. It was -- I believe it was two days after.

7 Q. Okay. And how did you make a plan to meet her this
8 time?

9 A. We texted to each other.

10 Q. When you texted, what phone did you use this time?

11 A. My own phone, my Hungarian phone.

12 Q. And did it still have enough electricity? Did you --

13 A. Yes. It was, I believe, the last text where I could
14 send.

15 Q. So you exchanged a text message. And did somebody
16 pick you up?

17 A. Yes. That night Csilla and her fiancée picked me up.

18 Q. And who's her fiancée?

19 A. Her fiancée is Andras Juhasz.

20 Q. And when they picked --

21 THE COURT: You've got to spell it, counsel.

22 Q. Can you spell it, Bernadett?

23 A. A-n-d-r-a-s and J-u-h-a-s-z.

24 Q. And this time when Andras and Csilla picked you up,
25 did you say anything to the defendant about where you

Ms. Herczeg - Direct - Ms. Stone

1 were going?

2 A. No.

3 Q. And where did you go?

4 A. I went to their apartment.

5 Q. And while you were at their apartment did you tell
6 them everything that had happened?

7 A. I told Csilla most of the things what happened in the
8 house.

9 Q. And while you were with Csilla and Andras did you
10 make a plan?

11 A. Yes.

12 Q. What was the plan?

13 A. The plan was that I would go home the same night and
14 I start to pack all my belongings. And the following day
15 at 5:00 p.m. or 6:00 p.m., I'm not sure, they would pick
16 me up by the house.

17 Q. Was there any talk at that point about calling the
18 police?

19 A. No.

20 Q. Had you ever thought at that moment you should call
21 the police?

22 A. No.

23 Q. Why was that, Bernadett?

24 A. I was scared. I was scared that there is still a
25 possibility even if I would call the police it's -- he

Ms. Herczeg - Direct - Ms. Stone

1 would find out, and if the police cannot do anything with
2 this situation I would have to stay in his home, which
3 wouldn't be good.

4 Q. So you made a plan that you were going to leave with
5 Andras and Csilla. So after you made the plan did you go
6 back to the defendant's house?

7 A. I went home and I started to pack all my belongings
8 right away.

9 Q. And do you remember around what time of night that
10 was?

11 A. It was around 11:00 p.m.

12 Q. And where was everybody else?

13 A. I believe Gisele was in the kitchen. She was
14 reading. And besides her I didn't see anyone. I believe
15 they were downstairs.

16 Q. Did you say anything to anyone?

17 A. No.

18 Q. And did there come a time later that evening that
19 somebody came to the house?

20 A. Yes.

21 Q. And do you remember what time it was?

22 A. It was midnight.

23 Q. And what happened?

24 A. I was upstairs. I was already finished packing. And
25 I answered the door, and there was two police officers

Ms. Herczeg - Direct - Ms. Stone

1 came into the house.

2 Q. And when the police officers came into the house did
3 anyone else come to the door besides you?

4 A. No.

5 Q. Did the defendant or Elena or Gisele ever come to the
6 door to speak to the police?

7 A. It was later on.

8 Q. Tell us what happened when the police came to the
9 house.

10 A. Yeah. So they asked me if I was Bernadett. I said
11 yes, I am. And they said that someone reported a
12 complaint that I would like to leave the house. And they
13 said that Andras was sitting outside in a car. And they
14 asked me if I want to talk to him. And I went outside.
15 I talked to him. And I left the house.

16 Q. Now, did you at some point go back to get your bags?

17 A. Yes.

18 Q. And what happened when you went back to get your
19 bags?

20 A. I went back, and I believe Mr. Yannai's dog came
21 upstairs. And she started to bark. And that's how
22 basically they woke up and they found out that someone
23 else is in the house besides me, I mean, upstairs. And I
24 just went to -- straight to my room, packed everything,
25 and I just left with that.

Ms. Herczeg - Direct - Ms. Stone

1 Q. Did the defendant say anything to you when you left?

2 A. I'm remembering he asked me something, what was the
3 problem or something like that. But I really didn't hear
4 it. I was just --

5 Q. And --

6 A. I just wanted to go.

7 Q. -- when you went back in the house to get your bags,
8 did the police accompany you or did you go back in by
9 yourself?

10 A. Yes, they came with me. Yes.

11 Q. The police.

12 A. Yes.

13 Q. How many police officers if you remember?

14 A. It was two.

15 Q. And that evening after you left with your bags and
16 you got into the police -- did you get into the police
17 car?

18 A. Yes.

19 Q. And did you speak to the police that night?

20 A. Yes.

21 Q. Did you tell the police everything at that point that
22 had gone in the house?

23 A. No.

24 Q. And that night it was -- was it already you said
25 about midnight when they got there, right?

Ms. Herczeg - Direct - Ms. Stone

1 A. Yes.

2 Q. So that night why didn't you tell those police
3 officers everything that had happened?

4 A. Because I still wasn't sure where I'm going to go.
5 It's just -- I didn't have a place to stay. I didn't --
6 it was -- I was afraid.

7 Q. What were you afraid of, Bernadett?

8 A. That I would have to go back.

9 Q. Why did you think you might have to go back to the
10 defendant's house?

11 A. The same reason, I had nowhere to go.

12 Q. Did you have any money?

13 A. No.

14 Q. Now, Bernadett, at that point did you end up staying
15 at anybody's house?

16 A. Yes. I stayed with Andras and Csilla.

17 Q. And do you remember with Csilla at some point in the
18 next day or so writing down things?

19 A. Yes.

20 Q. Did you write down everything with her that had
21 happened in the house?

22 A. No.

23 Q. Why did you write everything down?

24 A. Because I felt ashamed. It was -- even -- it was
25 just ashamed. I was ashamed.

Ms. Herczeg - Direct - Ms. Stone

1 Q. And now, you left the house. Do you remember the
2 date?

3 A. On the 11th.

4 Q. And do you remember meeting with the police on the
5 13th?

6 A. Yes.

7 Q. Do you remember who you met with at that point?

8 A. I met Neil Merritt.

9 Q. And do you know what kind of a police officer Neil
10 Merritt is?

11 A. I believe he's an investigator.

12 Q. And when you were interviewed by Neil Merritt did you
13 tell him most of everything that happened in the house?

14 A. No.

15 Q. Why didn't you tell him everything?

16 A. It was really uncomfortable to talk about these
17 things with a male. And that's why.

18 Q. And at some point after you stayed with your friends,
19 did you move to a different location?

20 A. Yes. I --

21 Q. And -- I'm sorry. Where did you stay?

22 A. I moved to confidential women's shelter.

23 Q. And while you were at the women's shelter did anyone
24 else who had lived in Mr. Yannai's house come to the
25 shelter?

Ms. Herczeg - Direct - Ms. Stone

1 A. Yes.

2 Q. And who did?

3 A. It was Gisele and Isabelle.

4 Q. Who was Isabelle?

5 A. At this time I really didn't know about her. We
6 didn't meet at the house. She is a -- she's a French --

7 MS. CESARE: Objection.

8 THE WITNESS: -- a French girl.

9 MS. CESARE: Objection.

10 THE COURT: What ground?

11 MR. SCHNEIDER: Well withdrawn as to that.

12 THE COURT: I'm sorry. I --

13 MR. SCHNEIDER: We withdrew the objection.

14 THE COURT: Okay.

15 MR. SCHNEIDER: But the next one might be
16 hearsay.

17 Q. Who is Isabelle?

18 A. Isabelle is a French girl.

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Ms. Herczeg - Direct - Ms. Stone

1 Q. And did she also work for the defendant?

2 MS. CESARE: Objection.

3 THE WITNESS: I believe so.

4 MS. CESARE: Objection.

5 THE COURT: Do you know? Did you see her
6 working there?

7 THE WITNESS: No.

8 THE COURT: Sustained.

9 Q. Before you left the --

10 THE COURT: Sustained. Go ahead.

11 MS. STONE: Okay. I'll ask a different
12 question.

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Ms. Herczeg - Direct - Ms. Stone

1 Q. Before you left the defendant's house was there a
2 discussion about anyone else coming to the house to work?

3 A. Yes.

4 Q. And what was discussed?

5 THE COURT: By whom?

6 Q. By whom, I'm sorry. Did the defendant ever discuss
7 someone else coming to the house to work?

8 A. I believe he mentioned to me that someone was coming.

9 Q. And do you remember who he mentioned was coming?

10 A. No.

11 Q. Do you remember where he said the person was from?

12 A. I don't remember.

13 Q. Now, at the women's shelter, Bernadett, did they give
14 you any help with job training?

15 A. Yes, they did.

16 Q. What did they do for you?

17 A. I attended a life skills program, which was, I'm not
18 sure, eight weeks. And we had different kind of courses
19 every day. They were helping me to improve English,
20 computer skills, nutrition, job interview skills.

21 Q. And did the shelter give you any help with legal
22 assistance?

23 A. Yes.

24 Q. What did they do to help you with any legal needs you
25 might have?

Ms. Herczeg - Direct - Ms. Stone

1 A. Well, I received a work authorization.

2 Q. And as part of that work authorization did you
3 provide statements about why you wanted work
4 authorization?

5 A. Yes.

6 Q. And did you provide any statements about wanting to
7 be compensated financially for anything?

8 A. Yes. Yes.

9 Q. Do you remember what you said about wanting to be
10 compensated financially?

11 A. No.

12 Q. Now, Bernadett, why did you stay in the United States
13 after you filed this report with the police?

14 A. Because I wanted to stop him.

15 Q. And at this point are you planning to stay in the
16 United States?

17 A. No. I didn't know anything about the legal issues or
18 the situation I was in at all.

19 Q. So now after testifying in this trial are you still
20 planning to stay in the United States or are you planning
21 to go back to Hungary?

22 A. I haven't decided yet.

23 Q. Bernadett, have you ever met anyone named Anne
24 Simonsen?

25 A. No.

Ms. Herczeg - Cross - Ms. Cesare

1 Q. Have you ever met anyone named Laura Ramirez?

2 A. No.

3 Q. Did you ever meet anyone named Vanessa Stenzel?

4 A. No.

5 Q. Did you meet anyone named Nathalie Yagoub?

6 A. No.

7 MS. STONE: I have no further questions. Thank
8 you, Judge.

9 CROSS-EXAMINATION

10 BY MS. CESARE:

11 Q. Good afternoon, Ms. Herczeg.

12 A. Good afternoon.

13 Q. How are you?

14 A. Could be better.

15 Q. Ready for some more questions? My name is Heidi
16 Cesare.

17 A. Nice to meet you.

18 Q. Nice to meet you. We've never talked before have me?

19 A. No, we have not.

20 Q. We never had a chance to review your testimony before
21 today?

22 A. No.

23 Q. You have met with the prosecutors quite a few times
24 haven't you?

25 A. Yes.

Ms. Herczeg - Cross - Ms. Cesare

1 Q. About how many times all together would you say
2 you've met with prosecutors in this case?

3 A. All together since the beginning?

4 Q. Yeah.

5 MS. STONE: Your Honor, I'm going to object and
6 ask for a side bar for just one moment. I'm just
7 concerned it might let something in that's not before the
8 jury.

9 THE COURT: I'm sorry, I can't -- come up.

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Ms. Herczeg - Cross - Ms. Cesare

(Conference held at sidebar.)

MS. STONE: Your Honor, my concern is that the state charges were dismissed, that is a sealed case. So I just wanted to make sure we weren't going to be eliciting questions concerning the state prosecution.

MS. CESARE: Your Honor, I'm going to ask her how many times she's met with the prosecutors in this case. It has to do with Hilary and --

THE COURT: Just because it's a sealed case doesn't mean that people can't talk about it. I mean this is all silly. You know, there are probably newspapers stories about it, what are you going to do, burn them up? I mean this is ridiculous.

(Conference concludes at sidebar.)

Ms. Herczeg - Cross - Ms. Cesare

- 1 Q. How many times have you met with the prosecutors in
2 this case before this afternoon?
- 3 A. I'm not sure.
- 4 Q. More than ten times?
- 5 A. I would say yes.
- 6 Q. Is it -- could it be more than 20 times?
- 7 A. No, I don't think so.
- 8 Q. How many times did you meet with them this week?
- 9 A. Only once.
- 10 Q. And did you meet with them last week?
- 11 A. Yes.
- 12 Q. How many times last week?
- 13 A. Once.
- 14 Q. Now Ms. Herczeg, you're a college graduate, correct?
- 15 A. Correct.
- 16 Q. And you studied at a university in Hungary?
- 17 A. Yes.
- 18 Q. Did you study English while you were at University?
- 19 A. Yes.
- 20 Q. And did you study English in school before
21 University?
- 22 A. Yes.
- 23 Q. What other language do you speak?
- 24 A. I speak in intermediate German.
- 25 Q. As far as you know does Mr. Yannai speak Hungarian?

Ms. Herczeg - Cross - Ms. Cesare

- 1 A. I don't know about that.
- 2 Q. Did he appear to understand any of the Hungarian you
- 3 spoke in his home?
- 4 A. No.
- 5 Q. Did you ever have a conversation with him in
- 6 Hungarian?
- 7 A. No.
- 8 Q. When you were in his home you spoke exclusively
- 9 English, correct?
- 10 A. Yes.
- 11 Q. And that was the language all the other people in the
- 12 house spoke as well, right? When you spoke to one
- 13 another you all spoke in English?
- 14 A. Yes.
- 15 Q. And the people who were living in the house at the
- 16 time were yourself, a young woman named Gisele, Mr.
- 17 Yannai, and Mr. Yannai's wife, Elena; is that right?
- 18 A. Yes.
- 19 Q. Before you came to Mr. Yannai's house you were
- 20 comfortable using a computer, correct?
- 21 A. Yes.
- 22 Q. You were familiar with the internet?
- 23 A. Yes.
- 24 Q. You were familiar with e-mail?
- 25 A. Yes.

Ms. Herczeg - Cross - Ms. Cesare

1 Q. Did you have an e-mail account that you paid for or
2 did you have a free e-mail account?

3 A. It was a free e-mail account.

4 Q. Okay. And did you also use social networking sites?

5 A. At this point -- I mean that point when I was back at
6 home, yes.

7 Q. You mentioned a website on your direct testimony I
8 think you called it tag.com?

9 A. Which I -- yes.

10 Q. And tag is the Hungarian equivalent of a Facebook
11 website, is that what you said?

12 A. No.

13 Q. Well, can you describe tag -- the tag.com website?

14 A. It's an international website, you can sign up for
15 free and you can look for other people.

16 Q. Is it another way to network with other people?

17 A. Yeah, I would say.

18 Q. And is it a website that serves mostly Hungarians?

19 A. No.

20 Q. But you used it to network with Hungarians that were
21 in the United States, right?

22 A. Only one.

23 Q. Well, you found one person, right?

24 A. Yes, that's correct.

25 Q. And you found one Hungarian person who lived in Pound

Ms. Herczeg - Cross - Ms. Cesare

1 Ridge, New York?

2 A. Yes.

3 Q. There were other Hungarians using this website who
4 were in other parts of the United States, right?

5 A. I don't know about that.

6 Q. Okay. Well, you only made contact with the one
7 person in Pound Ridge?

8 A. Yes.

9 Q. And that would be the woman you referred to as Cilla?

10 A. Yes.

11 Q. Or Cicila?

12 A. Csilla.

13 Q. Csilla. Csilla, whose fiancée is named Andras?

14 A. Yes.

15 Q. Before you came to the United States you had a
16 lengthy e-mail correspondence with Mr. Yannai and a
17 person you thought was Joanna, correct?

18 A. Yes.

19 Q. All right. And your e-mail correspondence was saved
20 and has been entered into evidence as Government Exhibit
21 100, correct?

22 A. Yes.

23 Q. Do you have a copy of it up there?

24 A. No.

25 Q. All right. And that single document contains all of

Ms. Herczeg - Cross - Ms. Cesare

1 the back and forth correspondence you had regarding
2 employment at Joseph Yannai's house, right?

3 A. Yes.

4 Q. All right. So I want to show you -- please publish
5 -- I'm going to ask you to take a look another the --
6 well, the first page of Government Exhibit 100, and
7 that's an e-mail dated December 26, 2008, right?

8 A. Yes.

9 Q. That was the very beginning of the e-mail
10 correspondence, correct?

11 A. That was the first one, yes.

12 Q. All right. And the very first e-mail you wrote is
13 dated December 28th, 2008, correct?

14 A. Yes.

15 Q. And in that letter, in that very first letter you
16 said that you were a bit skeptical about this job offer,
17 right?

18 A. Yes.

19 Q. Do you see where I've underlined the phrase, "bit
20 skeptical"? And then under -- the next thing you wrote
21 was that you were skeptical because you had heard about
22 girls who go to foreign countries and never come back; is
23 that right?

24 A. Yes.

25 Q. So this was a fear you had before you had ever met

Ms. Herczeg - Cross - Ms. Cesare

1 Joseph Yannai?

2 A. In general, yes.

3 Q. Right. You had this fear before you had any
4 experience in his home, retire?

5 A. Yes.

6 Q. Now after that first e-mail you sent you continued to
7 correspond -- and hang on a second -- let me withdraw
8 that statement.

9 On December 30th you got an e-mail that explained to
10 you the pay options, right?

11 A. Correct.

12 Q. And there was a live-in option and a live-out option?

13 A. Uh-huh, yes.

14 Q. The live-in option was a proposal where you could
15 accept the job and work in exchange for room and board,
16 correct?

17 A. I'm sorry?

18 Q. The live-in option would have had you stay at his
19 home in exchange for room and board and all expenses
20 paid, right?

21 A. Yes.

22 Q. There was no promise of any salary other than a
23 \$20,000 bonus at the conclusion of a full year, right?

24 A. Yes.

25 Q. Now you -- after you received that e-mail you replied

Ms. Herczeg - Cross - Ms. Cesare

1 saying that you were very interested in this job
2 opportunity, right?

3 A. Yes.

4 Q. And you stated that it was already for a long time it
5 had been your dream to go to America?

6 A. Yes.

7 Q. I'll show you the e-mail that you wrote on December
8 30th. Do you see where you read, already for a long time
9 that it's my dream to go to America?

10 A. And other countries. America is just one.

11 Q. All right. Correct. And you also wrote that in the
12 future that you wanted to work in a bath or a wellness
13 center because that is your trade?

14 A. Well --

15 Q. Did you write that?

16 A. Yes, that's what I studied in college.

17 Q. Now on direct you said that you were a little nervous
18 about this job offer, right?

19 A. Yes.

20 Q. And you needed some reassurance about the nature of
21 the job?

22 A. Yes.

23 Q. And on direct you read passages of many of the
24 e-mails and you described one of the e-mails as a little
25 reassuring, right?

Ms. Herczeg - Cross - Ms. Cesare

1 A. Is it reassure? I'm sorry?

2 Q. Well, hang on a second. On direct you were shown an
3 e-mail that you received on December 31st, 2008, and the
4 prosecutor asked you to read most of this e-mail. Do you
5 remember that?

6 A. Yes.

7 Q. And after reading it you said that this particular
8 e-mail you found reassuring?

9 A. I'm sorry, I don't understand this word. I found --

10 Q. Well, I believe you said it yourself, you used the
11 phrase a little reassuring. Did you say that?

12 A. No, I didn't use this word.

13 Q. Okay. But when the prosecutor showed you this e-mail
14 you said to her that after you received this mess you
15 felt a little bit better about going to work in Joseph
16 Yannai's home. Do you recall that?

17 A. No, I don't remember, I'm sorry.

18 Q. Well, you said on direct that in the beginning when
19 you first got -- you know, first got the proposal to work
20 at Joseph Yannai you were a little nervous about whether
21 there'd be sex involved in the job, right?

22 A. Correct.

23 Q. And then after that -- or the prosecutor asked you to
24 read one of the e-mails you received from Joanna on
25 December 31st, 2008, right?

Ms. Herczeg - Cross - Ms. Cesare

1 A. Uh-huh, yes.

2 Q. And you indicated on direct that that e-mail made you
3 feel better?

4 A. I indicated that the pictures made me a little better
5 -- feel a little better.

6 Q. The e-mail you received on December 31st, 2008 had
7 two pictures attached to it, that's the last thing it's
8 saying in that e-mail, right?

9 A. Yes.

10 Q. And since -- and when you received the attached
11 e-mails you were able to click them on onto your computer
12 screen and see a visual image --

13 A. Yes.

14 Q. -- at home in Hungary, right? And one of the images
15 is in evidence at P-2. Is this one of the pictures that
16 was sent to you on --

17 A. Yes.

18 Q. -- on December 31st, 2008?

19 A. Yes.

20 Q. Okay. And it's a picture of Joseph Yannai and a
21 young woman, right?

22 A. Yes.

23 Q. And he's kissing her on the side of the face? May we
24 publish this?

25 THE COURT: Yes.

Ms. Herczeg - Cross - Ms. Cesare

1 Q. The second picture is -- please publish -- is in
2 evidence as Defense Exhibit P-1. Now you said that this
3 picture made you feel a little bit better about the job?

4 A. It made me feel better because I had the picture of
5 him.

6 Q. Well, this is a picture of Joseph Yannai kissing a
7 young woman, right?

8 A. Well, it didn't seem to me a real kiss.

9 Q. It's a picture of a man and woman holding hands
10 across the table and kissing on the lips, right?

11 A. What I was thinking is that they just -- they just
12 made it for the picture. They just -- they were just
13 playing on the picture.

14 Q. And that seemed reasonable to you?

15 A. At this time I -- it did seem.

16 Q. Okay. But this picture, whether it was acting or
17 playing, depicts an adult man and a woman kissing, lips
18 touching, right?

19 A. Yes.

20 Q. Okay. And when adults -- when men and women, adults
21 kiss on the lips that typically indicates a romantic
22 connection, correct?

23 A. Not necessarily.

24 Q. Well, you'd agree that this photograph has a romantic
25 aspect doesn't it?

Ms. Herczeg - Cross - Ms. Cesare

1 A. Not really.

2 Q. There's nothing about that that seems romantic to
3 you?

4 A. No. I'm sorry, he -- his express is like -- like
5 nothing. I'm sorry.

6 Q. And what about the holding hands, doesn't the holding
7 hands indicate some romance?

8 A. Maybe.

9 Q. Probably, right?

10 A. Probably.

11 Q. Yeah. Now going back to the e-mail that the
12 photographs were attached to, is this -- please publish,
13 this is in evidence. In the e-mail on the second
14 paragraph -- the second paragraph beginnings with the
15 sentence, "As to the sex, Joseph loves sex and loves and
16 appreciates women."

17 A. Yes, that's correct.

18 Q. So when you read that sentence and looked at the
19 photograph of Joseph kissing a young woman surely at that
20 point you understood that this was a picture of a
21 romantic relationship?

22 A. No.

23 Q. Now on direct you said you didn't really understand
24 what the word intimate means? Did you say that on
25 direct?

Ms. Herczeg - Cross - Ms. Cesare

1 A. Yes.

2 Q. Okay. In this e-mail that -- there's a sentence that
3 uses the word intimate, and if you hang on for a second
4 I'll direct your attention. In the middle of the second
5 paragraph you'll see a sentence that reads, "During the
6 two years I was with him we were of course very intimate,
7 like people who live together and love each other, and
8 although I did whatever a woman can do to have sex with
9 him he never agreed and we never had." Do you remember
10 that sentence?

11 A. Yes.

12 Q. All right. So when you read that sentence, within
13 the sentence you understood that people who are intimate
14 are people who live together and love one another?

15 A. Which to me meant that I live back at home with my --
16 with my family. We lived under the same roof.

17 Q. Right. And the next phrase in that sentence is,
18 "Although I did whatever a woman can do to have sex with
19 him he never agreed and we never did, right?

20 A. Yes.

21 Q. Is that right?

22 A. Yes.

23 Q. And this was the person that was writing this was
24 described an intimate relationship that she had had with
25 Joseph Yannai?

Ms. Herczeg - Cross - Ms. Cesare

1 A. No. What --

2 Q. So you're saying after you --

3 A. What I --

4 Q. -- after you read this you still did not know that
5 Joanna was indicating to you that she'd had an intimate,
6 romantic relationship with Joseph Yannai?

7 A. No, but what this sentence meant to me is that she
8 was trying and he never agreed.

9 Q. Right. She was trying, she wanted to have sex with
10 him, right? Well, that's what it says explicitly.

11 A. Yes.

12 Q. So the relationship -- you understood that the
13 relationship she had with Joseph was not like the
14 relationship you have with your mother and father?

15 A. Yeah.

16 Q. And then in the third paragraph you're asked, "Why do
17 you" -- it begins, "what really bothers me and I really
18 don't understand is why you are ready to separate for at
19 least a year" -- and then it says, "with a boyfriend you
20 have." Do you see that?

21 A. Uh-huh.

22 Q. Remember that sentence?

23 A. Yes.

24 Q. Okay. So when you moved onto the next paragraph and
25 you saw that this issue of having a boyfriend -- leaving

Ms. Herczeg - Cross - Ms. Cesare

1 a boyfriend behind didn't that indicate to you that
2 Joseph -- that Joseph Yannai was looking for the same
3 type of relationship with you?

4 THE COURT: Same type as what?

5 Q. That the fact that you had a boyfriend would
6 interfere with your ability to have a relationship with
7 Joseph. Did you understand that?

8 A. No, my understanding was that I would miss him and I
9 would leave.

10 Q. All right. A few days later on January 4th, 2009 you
11 wrote back, right?

12 A. Yes.

13 Q. And you said, "When should I start the job!"

14 A. Yes.

15 Q. Right. So at this point on January 4th, 2009 you
16 were -- all your skepticisms, all your concerns were
17 resolved, and ready to take the job?

18 A. Not really. Not all.

19 Q. Why did you write, "When should I start the job!"
20 exclamation point?

21 A. I was just curious when she expected me to start the
22 job.

23 Q. All right. Right after that the next day you got a
24 reply, and that was on January 5th, 2009, right?

25 A. Yes.

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1 Q. And directing your attention to the very last line on
2 this page it begins, "I am telling you right now that he
3 will -- he will like to know exactly what is going on
4 between you and your boyfriend, why you are ready to
5 leave him for a long time and be with another man." Do
6 you remember getting that question?

7 A. Yes.

8 Q. So when you received this message on January 5th,
9 2009, by then you certainly understood that Joseph Yannai
10 was looking for you -- looking to have an intimate
11 romantic relationship with you?

12 A. No.

13 Q. Didn't the fact that you were being asked about your
14 relationship with a boyfriend, you know, mean anything to
15 you?

16 A. Well, the only thing why I -- I mean why -- what I
17 was thinking of was that if I would go into his house and
18 I would miss my boyfriend a lot I will leave before the
19 year.

20 Q. Yeah, but this e-mail is not just -- it's not asking
21 you whether you'd miss your whole family and your whole
22 life in Hungary, it's asking you specifically about
23 missing your boyfriend and your relationship with him.

24 THE COURT: So what is the question?

25 Q. So wasn't it clear to you that Joseph Yannai wanted

Ms. Herczeg - Cross - Ms. Cesare

1 to have an intimate, romantic relationship with you?

2 A. No.

3 Q. And then your reply the next day is on January 7th,
4 2009 is that you were going to break up with your
5 boyfriend anyway?

6 A. Yes.

7 Q. And this is -- and in this letter on January 7th you
8 write to Joseph that you would be glad if you could fill
9 this position, right?

10 A. Yes.

11 Q. The next day on January 8th, 2009 you got your first
12 e-mail that was actually signed off by Joseph, correct?

13 A. Yes.

14 Q. And in that e-mail -- on direct you were asked to
15 read most of this e-mail to the jury, right? Do you
16 remember?

17 A. Yes.

18 Q. But you did not read the last paragraph of this
19 letter to the jury on direct testimony; isn't that right?

20 A. Yes.

21 Q. And I'm going direct your attention to the end of the
22 last paragraph, and does it read, "But you will have to
23 understand that in order for me to be able to shape, mold
24 your character and prepare you for what I want you to be,
25 I will have to get into you, which means, real closeness,

Ms. Herczeg - Cross - Ms. Cesare

1 real intimacy, real care, real intimacy - in short,
2 everything but the actual act of sex." Do you remember
3 getting that?

4 A. Yes.

5 Q. All right. So surely when you read that, and that --
6 you understand that Joseph was telling you that he wanted
7 to be very close with you if you came to work for him.

8 A. Yes.

9 Q. He wanted real intimacy with you when you came to
10 work for him.

11 THE COURT: The letter speaks for itself. I
12 mean you don't have to just repeat what's in the letter.

13 Q. Okay. But you understood that he was asking you to
14 have -- share real intimacy with him?

15 A. I didn't know what he meant about this. I mean --

16 Q. If you need a break you can let me know, all right?

17 A. Oh, I'm okay.

18 Q. All right. Now these are e-mails you received before
19 you ever came to Joseph Yannai's home, right?

20 A. Yes.

21 Q. These are all e-mails you received when you were in
22 Hungary?

23 A. Yes.

24 Q. Okay. And these are all e-mails talking to you about
25 the nature of the relationship you were going have with

Ms. Herczeg - Cross - Ms. Cesare

1 Joseph when you came to his house, right?

2 A. Most of them were about the job.

3 Q. Uh-huh, but there was a lot of discussion here about
4 the relationship as well.

5 A. Because it was my greatest fear.

6 Q. And Joseph told -- in his first e-mail to you he told
7 you that he wanted real closeness and real intimacy with
8 you.

9 THE COURT: We've been over this. Are we just
10 asking her what's in the first e-mail? I mean --

11 MS. CESARE: All right, moving on.

12 Q. Right after that Joseph wrote to you, "You are only
13 21, and you have "kind" a relationship with a young man."
14 Hang on. Do you see where I just read that?

15 A. Yes.

16 Q. And then he writes the following question, "Do you
17 think you will be able to bring yourself to have this
18 kind of relationship with someone who is probably older
19 than your father?" Did you understand that sentence?

20 A. Yes.

21 Q. And this is in an e-mail -- Joseph's first e-mail to
22 you, right?

23 A. Yes.

24 Q. And he's talking to you about the relationship you
25 would have together, right? He uses the word

Ms. Herczeg - Cross - Ms. Cesare

1 "relationship"?

2 A. Uh-huh.

3 Q. Right?

4 A. Yes.

5 Q. And he was asking you if you would be able to have
6 the same relationship with him, an old man, that you'd
7 had with your boyfriend in Hungary?

8 A. Yeah.

9 Q. Okay. So when you read that e-mail from Joseph you
10 knew that he was inviting you to come have an intimate,
11 sexual relationship with him?

12 A. Not really.

13 Q. Well, what else does that sentence that's circled
14 mean?

15 A. When I received this e-mail I just kept reading the
16 other ones, what I received before when Joanna said that
17 he would never have sex with anyone, and I just believed
18 in that.

19 Q. He talked about the actual act of sex, right?

20 A. Yes.

21 Q. And did you understand that that meant intercourse?

22 A. It didn't matter anymore. I mean I believed in -- I
23 believed in that he would give me a better life. He
24 promised me a lot of things.

25 Q. Well, is that what you thought he meant when he asked

Ms. Herczeg - Cross - Ms. Cesare

1 you if you could have the same relationship with him as
2 this boyfriend?

3 A. No.

4 Q. And then there's a line in here where he asks you to
5 be the softer, feminine real woman as you appear in the
6 picture that you sent him.

7 A. Yes.

8 Q. And when you read that you knew he was talking about
9 you as the -- as a person who would be the object of his
10 romantic attentions?

11 A. No.

12 Q. No?

13 A. No.

14 Q. Not at all?

15 A. No.

16 Q. Your reply to this letter from Joseph include the
17 line in capitals, "I NEED THIS JOB." Right?

18 A. Yes.

19 Q. And at the end of that same e-mail you said, "All of
20 your letter is understandable."

21 A. Yes.

22 Q. Okay. And so indicating that you understood
23 everything Joseph had written in his letter to you?

24 A. I indicated, yes.

25 Q. On January 14th, 2009 Joseph wrote you another

Ms. Herczeg - Cross - Ms. Cesare

1 letter, right?

2 A. Yes.

3 Q. And I'm going to turn the page to the second part of
4 that letter. And this is the letter where Joseph said to
5 you, "Why don't you write me a love letter?"

6 A. Yes.

7 Q. Right?

8 A. Yes.

9 Q. And he -- then below that he says, "What I'm trying
10 to do is very simple, I'm trying to do everything
11 possible that our life together will be as wonderful as
12 it can be, that both of us will get the maximum from the
13 relationship. In short I'm trying to open you up and
14 bring you to me."

15 A. Yes.

16 Q. He wrote that to you?

17 A. Yes, he did.

18 Q. Okay. So when you knew that he asked you to write
19 him a love letter and that he wanted you to open up to
20 him so you could have a wonderful relationship you knew
21 he was inviting you to have a consensual, romantic
22 relationship with him in New York.

23 A. No.

24 Q. Why did you think he wanted you to write him a love
25 letter?

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1 A. I have no idea what was he thinking, why he wanted me
2 to write him a love letter.

3 Q. Did you -- when you read this did you think about it?

4 A. No.

5 Q. You just ignored that part of the message?

6 A. Yes.

7 Q. Right below that is your reply, which is dated
8 January 15th, 2009. Do you see that?

9 A. Yes.

10 Q. And you say -- you essentially say I haven't had time
11 to write my love letter to you, and you write, "So I'm
12 really sorry about it my sweetheart."

13 A. Yes.

14 Q. Okay. And you called Joseph your sweetheart?

15 A. Well --

16 THE COURT: That's what it says.

17 Q. Why did you call Joseph --

18 THE COURT: What is the question?

19 Q. Why did you call Joseph your sweetheart?

20 A. I just -- I don't know, I felt like I had to write it
21 down.

22 Q. You had to write down sweetheart?

23 A. Yes.

24 Q. Did you feel like you were being forced to write
25 sweetheart?

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- 1 A. Kind of like, yes.
- 2 Q. While you were sitting at your computer terminal at
- 3 your home in Hungary?
- 4 A. Yes.
- 5 Q. You felt forced to use the phrase my sweetheart?
- 6 A. Yes.
- 7 Q. What was forcing you to use the phrase my sweetheart?
- 8 A. Because -- because I didn't want to lose the
- 9 opportunity.
- 10 Q. You wanted the job?
- 11 A. Yes.
- 12 Q. And you were willing to write him a love letter
- 13 because you wanted the job?
- 14 A. No, I didn't write him a love letter.
- 15 Q. But you said you would as soon as you could.
- 16 A. No.
- 17 Q. It reads, "I'm trying to write as soon as possible."
- 18 Didn't you write that?
- 19 A. My next letter -- I mean my next e-mail.
- 20 Q. And this --
- 21 A. It wasn't referring to the love letter.
- 22 Q. Okay. But what were you -- what were you -- and then
- 23 you -- what was the phrase, "So I'm really sorry about
- 24 it." What did that mean? What were you sorry about?
- 25 A. That that I couldn't reply.

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1 Q. You were sorry because you hadn't had time to write
2 him the love letter, right? That's what it means doesn't
3 it?

4 A. No, I was apologizing because -- because he asked me
5 in his previous letter if I can shorten the time gap
6 between my e-mails.

7 Q. Okay. So tell us why you felt like you were forced
8 to call him my sweetheart?

9 MS. STONE: Your Honor, this has been asked and
10 answered.

11 THE COURT: Yes.

12 MS. CESARE: She didn't answer it.

13 Q. What was forcing --

14 THE COURT: She answered it. Let's move on.

15 Q. In that same e-mail you wrote, "What kind of dresses
16 shall I bring with me? Smart, leisure, etc."

17 A. Yes.

18 Q. On January 19th, 2009 you received an e-mail that was
19 signed off my Joanna, right?

20 A. That's correct.

21 Q. And in this e-mail Joanna talked to you about what
22 clothes you should bring to Joseph's house, right?

23 A. Yes.

24 Q. And she wrote to you, "The main thing that you have
25 to bring are blouses, preferably one color, and white

Ms. Herczeg - Cross - Ms. Cesare

1 shirts as soft as possible with buttons in the front,
2 skirts, dresses, and if you have suits, not pantsuits.
3 And of course high, different heights heel shoes. But
4 whatever you will not have Joseph will purchase for you."
5 Right?

6 A. Yes.

7 Q. So when you were sitting in Hungary you understood
8 that you were being asked to dress a certain way in
9 Joseph's house?

10 A. Being dressed a professional way.

11 Q. Well, in Hungary do adult professional women wear
12 pants?

13 A. It depends on --

14 Q. Right. In other European nations, you know, what
15 you're exposed -- what you were exposed to through
16 University, and you know, and television and news
17 program, you were aware that adult professional women in
18 this day and age regularly wear slacks and pants?

19 A. I wasn't -- I wasn't aware of that. I mean --

20 Q. Did you think in 2009 when you read that letter after
21 you had graduated from college did you think it would be
22 unprofessional to wear slacks to work?

23 A. No, but I believed that that was Joanna, that was a
24 female who wrote me the e-mail, and --

25 Q. This is --

Ms. Herczeg - Cross - Ms. Cesare

- 1 A. -- it seemed like --
- 2 Q. -- you were talking about becoming Joseph Yannai's
- 3 companion and personal assistant, right?
- 4 A. Yes.
- 5 Q. You knew you would be working in his home?
- 6 A. Yes.
- 7 Q. Not in an office, right?
- 8 A. Yes.
- 9 Q. You knew his wife had an office job and she was not
- 10 in the house during office hours?
- 11 A. I didn't know what time she was working.
- 12 Q. But you knew she had a job and did not work at home
- 13 with Joseph?
- 14 A. Yeah, but I didn't know what time.
- 15 Q. On the ground. And you knew what Joanna looked like
- 16 because she had sent you the pictures?
- 17 A. Yes.
- 18 Q. And one of the pictures was of her holding Joseph's
- 19 hands and kissing him on the lips?
- 20 A. Yes.
- 21 Q. Right. So first of all, when you got this e-mail you
- 22 one, agreed that you would dress this way when you got to
- 23 Joseph's house, right?
- 24 A. Yes.
- 25 Q. And two, when you got this e-mail you understood, as

Ms. Herczeg - Cross - Ms. Cesare

1 an adult educated person, that Joseph was interested in
2 having an attractive young woman who wore sexy clothes in
3 his house?

4 A. No.

5 Q. No?

6 A. No.

7 Q. Did that occur to you at all?

8 A. A skirt doesn't mean to being unprofessional.

9 Q. I didn't say unprofessional, I said sexy.

10 A. What, it didn't mean sexy --

11 Q. Skirts and high heels for a job in the house?

12 A. He had an office there, that's what they claimed. I
13 thought -- that's what I was thinking of that he would
14 have clients coming in.

15 Q. But you know, in your e-mail correspondence you had
16 gotten a description of the type of things you would be
17 doing if you came to be his personal assistant companion,
18 right?

19 A. And I also thought that he's having clients because
20 he mentioned.

21 Q. The job description included making breakfast, right?

22 A. Yes.

23 Q. It included making the coffee, right?

24 A. Yes, but not all day.

25 Q. It included keeping the office tidy, cleaning?

Ms. Herczeg - Cross - Ms. Cesare

1 A. Yes.

2 Q. It included running his bath?

3 A. Yes.

4 Q. It included going on errands with him?

5 A. Yes.

6 Q. It included working with him in an home office?

7 A. Yes.

8 Q. It included taking care of the dog?

9 A. I don't remember this part, I'm sorry.

10 Q. There's certainly no need to wear high heels and
11 dresses when you give a 65-year-old man a bath is there?

12 A. That's correct.

13 Q. And your reply to this message -- your reply to this
14 message on January 21st, 2009 was, "I understood what you
15 wrote and I will do this."

16 A. Yes.

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Ms. Herczeg - Cross - Ms. Cesare

1 Q. So it's fair to say that, you know, honestly
2 reviewing the e-mail correspondence you had with Joseph
3 you knew that you were being invited to come work in his
4 home and have a personal intimate relationship with him?

5 MS. STONE: Objection, argumentative.

6 THE COURT: I'm sorry, I can't hear you.

7 MS. STONE: Objection, argumentative.

8 THE COURT: It started out that way.

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Ms. Herczeg - Cross - Ms. Cesare

1 Q. Would it be fair to say that you knew that Joseph was
2 inviting you to have an intimate, romantic relationship
3 with him?

4 MS. STONE: Your Honor, this has been asked and
5 answered.

6 THE WITNESS: No.

7 THE COURT: Sorry, she's answered.

8 Q. And is it your testimony that this was -- you had no
9 idea that she was suggesting an intimate consensual
10 relationship?

11 A. I -- no.

12 Q. No clue?

13 THE COURT: This is getting --

14 Q. The high heels didn't give you a clue?

15 THE COURT: This is argumentative. Let's go.
16 It's also repetitive.

17 Q. I'd like to get some dates clear with you. You
18 arrived at JFK on February 18th, 2008; is that right?

19 A. That's correct.

20 Q. And you left the Yannai residence on March 11th,
21 2008?

22 A. Yes. 2009.

23 Q. Oh, excuse me, 2009. So you arrived on February
24 18th, 2009?

25 A. Yes.

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1 Q. And you stayed about three weeks?

2 A. Yes.

3 Q. And left on March 13th, 2009?

4 A. No, March 11th.

5 Q. March 11th. On March 13th, 2009 you met with
6 Investigator Neil Cornelius -- or Investigator Neil
7 Merritt; is that right?

8 A. I can't remember the date, but I met him.

9 Q. It was about two days after you left the Yannai
10 residence, right?

11 A. Yes.

12 Q. And where did you have that meeting?

13 A. It was in Somers, New York.

14 Q. Was it at the police station?

15 A. I believe it was.

16 Q. Okay. And then about three days later on March 16th,
17 2009 you had another meeting with Investigator Neil
18 Merritt and Prosecutor Audrey Stone; isn't that correct?

19 A. I can't remember.

20 Q. You do recall that you had a return ticket with a
21 return flight on March 17th, 2009, right?

22 A. That's correct.

23 Q. So when you arrived -- when you came to New York you
24 came on a round trip ticket?

25 A. Yes.

Ms. Herczeg - Cross - Ms. Cesare

1 Q. A one-month ticket?

2 A. Yes.

3 Q. And you met with Investigator Neil Merritt and
4 Prosecutor Audrey Stone one day before your return flight
5 back to Hungary?

6 A. If that was the date.

7 Q. It sound right? Do you recall that you met with
8 Investigator Neil Merritt and Prosecutor Audrey Stone
9 before your ticket had expired?

10 A. No, I didn't know which date was that when I met
11 them.

12 Q. When you met with Investigator Merritt at the police
13 station he took notes of the interview, correct?

14 A. Yes.

15 Q. And when you went again to Prosecutor Audrey Stone's
16 office the investigator took notes of that meeting as
17 well?

18 A. Yes.

19 Q. And he took notes while you were talking to keep a
20 record of what you said, right?

21 A. Yes, I believe so.

22 Q. When you arrived at the house you met a young woman
23 named Gisele, right?

24 A. That's correct.

25 Q. And you met Joseph's wife, Elena?

Ms. Herczeg - Cross - Ms. Cesare

1 A. That's correct.

2 Q. And that first day there did you go out to dinner?

3 A. The first day?

4 Q. The first evening that you were there?

5 A. No, it was too late.

6 Q. Okay. The next night did you go out to dinner?

7 A. Maybe.

8 Q. Did Elena show you around the house?

9 A. Yes, that was the first night when I arrived.

10 Q. Okay. And the next day did Gisele show you around
11 the office?

12 A. Yes, since she was -- she's been there for longer
13 than me.

14 Q. All right. Now the house had -- the Yannai residence
15 is a two-story house, correct?

16 A. Yes.

17 Q. There's an upstairs and a downstairs?

18 A. Yes.

19 Q. And the main entrance brings you into the upstairs
20 floor, correct?

21 A. Yes.

22 Q. And on the main entrance upstairs floor there's the
23 kitchen, the living room, the dining area, right?

24 A. Yes.

25 Q. And two bedrooms?

Ms. Herczeg - Cross - Ms. Cesare

- 1 A. Yes.
- 2 Q. And between those two bedrooms is a bathroom?
- 3 A. Yes.
- 4 Q. It's set up like a semi-private bathroom for those
- 5 two bedrooms?
- 6 A. Yes.
- 7 Q. Was one of those -- did you get one of those rooms as
- 8 you bedroom?
- 9 A. Yes.
- 10 Q. Did you have the front room or the back room? Did
- 11 your room face the street or the pond?
- 12 A. Facing the street.
- 13 Q. Okay. So your room was close to the front door of
- 14 the house?
- 15 A. Yes.
- 16 Q. The windows --
- 17 A. It was the same -- it was the same distance --
- 18 Q. Okay.
- 19 A. -- from the entrance.
- 20 Q. And on the downstairs level was another living room
- 21 area, right?
- 22 A. Yes.
- 23 Q. Also the workplace, the home office area, right?
- 24 A. Yes.
- 25 Q. And there were two more bedrooms on the lower floor?

Ms. Herczeg - Cross - Ms. Cesare

- 1 A. I saw only one bedroom downstairs.
- 2 Q. And that would have been the bedroom that Joseph
- 3 shared with his wife, right?
- 4 A. Yes.
- 5 Q. And Joseph's wife went to her office job on Mondays
- 6 through Fridays, right?
- 7 A. Yes.
- 8 Q. And she left in the morning around 7 a.m. or --
- 9 A. Yeah, around 7:00.
- 10 Q. -- 7:00 or 8:00?
- 11 A. Or 6:00 -- yeah.
- 12 Q. She didn't leave as early as 6:00 did she? Not that
- 13 early.
- 14 A. I was still sleeping that the time. I've never seen
- 15 her leaving --
- 16 Q. Okay.
- 17 A. -- the house.
- 18 Q. And she would come home in the evening time around
- 19 6:00 or 7:00, right?
- 20 A. Yes.
- 21 Q. And the typical schedule of the day would include
- 22 breakfast with Joseph, right?
- 23 A. Yes.
- 24 Q. And then after breakfast time he would have a bath,
- 25 right?

Ms. Herczeg - Cross - Ms. Cesare

1 A. Yes.

2 Q. After he took his bath you and Gisele would work in
3 the office for a few hours, right?

4 A. Yes.

5 Q. Then the three of you would break to lunch?

6 A. Yes.

7 Q. Did the three of you have lunch together on typical
8 days?

9 A. Maybe two times.

10 Q. And what did you do typically for lunch?

11 A. We went out or we would make sandwich at home.

12 Q. Okay. And was that your job or Gisele's job to make
13 lunch when you were home?

14 A. Either or.

15 Q. Did Joseph ever make lunch for you?

16 A. No.

17 Q. And after lunchtime Joseph took a nap typically,
18 right?

19 A. No, it was before.

20 Q. He took his nap before lunchtime?

21 A. Yeah, he took it around 11 a.m.

22 Q. All right. And did he usually nap for about two
23 hours?

24 A. Yeah.

25 Q. And then so after his nap you'd have lunch, right?

Ms. Herczeg - Cross - Ms. Cesare

- 1 A. Yes.
- 2 Q. And then work for couple more hours in the office?
- 3 A. Yes.
- 4 Q. And then when Elena came home you'd start getting
- 5 supper ready?
- 6 A. I'm sorry, getting?
- 7 Q. When Elena came home it was supper time?
- 8 A. It was after. We usually had to work till 7 p.m.
- 9 Q. And who usually made supper? Who usually cooked the
- 10 dinner meal, the evening meal?
- 11 A. That was Elena.
- 12 Q. Okay. So Elena would come home from work and then
- 13 she'd prepare an evening meal for all four of you?
- 14 A. Yes.
- 15 Q. And when dinner was ready you would stop working and
- 16 have supper together, all four of you?
- 17 A. Yes.
- 18 Q. And after supper you had your own free time, right?
- 19 A. Yes.
- 20 Q. Now on most days you and Gisele would go out for a
- 21 walk at some point during the day?
- 22 A. Yes.
- 23 Q. And what time of day did you usually take your walk?
- 24 A. Around 9:00, 10 p.m.
- 25 Q. You'd go for a walk in the dark?

Ms. Herczeg - Cross - Ms. Cesare

- 1 A. I was working till 7 p.m., then we had dinner
2 together, which means around -- it ended around 9 p.m. --
3 Q. Uh-huh.
4 A. -- and that was the only time where I could go out.
5 Q. So you'd go for an evening walk after supper with
6 Gisele?
7 A. With Gisele only by myself.
8 Q. Okay. And did you just -- you walked around the
9 neighborhood when you went for walks?
10 A. Yes.
11 Q. Did you ever go to the park that's nearby?
12 A. No, there's no parks nearby.
13 Q. Okay.
14 A. There wasn't any park nearby.
15 Q. You didn't know about the park nearby?
16 A. No.
17 Q. And when -- now the first week in the house was more
18 or less normal, you just -- there was no -- no real
19 sexual pressure to do anything --
20 A. Yes.
21 Q. -- the first week, right?
22 A. That's correct.
23 Q. So in that first week it was Gisele who would prepare
24 Joseph's bath, right?
25 A. Yes.

Ms. Herczeg - Cross - Ms. Cesare

1 Q. And in that first week it was Gisele who would wake
2 Joseph up from his nap, right?

3 A. Yes.

4 Q. And in that first week did you observe Gisele and
5 Joseph kissing at all?

6 A. No.

7 Q. Did you observe her initiating any sexual contact
8 with Joseph?

9 A. No.

10 Q. Did you observe her getting in bed with Joseph in
11 that first week?

12 A. No.

13 Q. Now Joseph's house is in neighborhood that has other
14 houses nearby, right?

15 A. Not really.

16 Q. There's a house right across the street isn't there?

17 A. Maybe.

18 Q. And there's a house right next door, right?

19 A. Yeah.

20 Q. And if -- how long were your walks? Did you usually
21 walk for half an hour or an hour?

22 A. It was up to my mood, half an hour, hour.

23 Q. Okay. And if you walked for half an hour you would
24 probably walk about two miles, right? Worth, what would
25 that be in kilometers?

Ms. Herczeg - Cross - Ms. Cesare

- 1 A. I don't know --
- 2 Q. Three kilometers?
- 3 A. -- how far I walk, I'm sorry.
- 4 Q. Are you familiar with kilometers or miles when you do
- 5 distance?
- 6 A. Kilometers.
- 7 Q. So you'd probably walk at least two or three
- 8 kilometers in a half hour?
- 9 A. No.
- 10 Q. One?
- 11 A. Maybe one or two.
- 12 Q. Okay. And if you walked a kilometer from Joseph's
- 13 house you would pass numerous other houses?
- 14 A. Yes.
- 15 Q. Yes. And you'd see all the houses had driveways,
- 16 right?
- 17 A. Uh-huh.
- 18 Q. They all had cars in the driveways?
- 19 A. Yes.
- 20 Q. They all had lights on in the windows?
- 21 A. Yes.
- 22 Q. So it's not really accurate to say he lived in the
- 23 middle of a forest.
- 24 A. Well, it kind of seemed like.
- 25 Q. He lived on a residential road.

Ms. Herczeg - Cross - Ms. Cesare

1 A. Well, to me it seemed like there was nothing --
2 nothing public nearby.

3 Q. There were homes nearby, right?

4 A. Yes.

5 Q. Either direction you could walk out of his door left
6 or right and you'd walk past the neighbors?

7 A. Yes.

8 Q. When you were in Joseph's house the doors were never
9 locked, right?

10 A. No.

11 Q. And while you were there, there were a couple of
12 times where repairmen came to the house?

13 A. What, I'm sorry?

14 Q. Did any -- did repairmen ever come to the house when
15 you were there?

16 A. Yes.

17 Q. To repair the computers, right?

18 A. Yes.

19 Q. And how often did that happen?

20 A. I met him only one time.

21 Q. All right. And you called your family once a week?

22 A. Yes.

23 Q. With Joseph's telephone, right?

24 A. Joseph's home phone.

25 Q. And he told you he didn't want you to e-mail people

Ms. Herczeg - Cross - Ms. Cesare

1 except once a week, right?

2 A. Yes.

3 Q. But you actually did use the e-mail several times
4 every day? Three or four times every day?

5 A. I did.

6 Q. And it is easy to do because you had internet access
7 at your workstation all day long?

8 A. Yes.

9 Q. Right. And you knew how to use the internet?

10 A. Yes.

11 Q. And you could log onto the e-mail address you had had
12 set up when you lived in Hungary?

13 A. I wasn't there enough to use my e-mail or open up an
14 e-mail account without his permission.

15 Q. Well, every day he took a nap for two hours, right?

16 A. But Gisele was right next to me.

17 Q. And every day you could log onto the computer and
18 navigate yourself to whatever website you wanted to while
19 he was napping.

20 A. No, I was afraid to use the internet if he would find
21 out.

22 Q. And you were afraid because you were afraid he'd kick
23 you out and you'd lose your job?

24 A. No, he would kick me out and I have nowhere to go.

25 Q. Right. Well, you could go home.

Ms. Herczeg - Cross - Ms. Cesare

1 THE COURT: Is that a question or a statement?

2 Q. You knew you could go home?

3 A. No.

4 Q. Was there a reason you couldn't go home to Hungary?

5 A. Yes.

6 Q. Why couldn't you go back to Hungary?

7 A. I had no money and I had no transportation and I had
8 my tickets for the 17th.

9 Q. Now Joseph told you that he would take you to the
10 airport?

11 A. Or somewhere else.

12 Q. No, he told you -- didn't he -- didn't he in fact
13 tell you that if you didn't follow the rules he would
14 fire you and take you to the airport?

15 A. That's what he -- that's what he claimed.

16 Q. That's what he said to you, right?

17 A. Yes, but I still --

18 Q. You just didn't believe him?

19 A. No, I was scared of him.

20 Q. Okay.

21 A. He would take me somewhere else, but not to the
22 airport.

23 Q. In the three weeks you were in his house did you ever
24 say to him, Joseph, I want to leave?

25 A. No, I was waiting on the 17th.

Ms. Herczeg - Cross - Ms. Cesare

1 Q. So not -- so you never said to him I want to leave
2 the house?

3 A. No, I didn't know what to expect from him if I could
4 say I want to leave.

5 Q. Did you ask him to take you to the airport?

6 A. And what should I do at the airport? I had no money.

7 Q. Did you ask him to help you change your ticket?

8 A. I didn't know it was possible.

9 Q. When you e-mailed your family did you say, family,
10 can you help me change my ticket, I want to come home
11 soon?

12 A. I didn't want to tell to my family what kind of
13 situation I was in.

14 Q. Well, you didn't have to tell your family anything,
15 you could have -- you knew you could say to your family,
16 you know, I don't like it here I want to go back, could
17 you help me move my ticket up?

18 A. I didn't want to bother them with that, they had
19 enough problems when I left.

20 Q. Well, you knew -- your family certainly loved you,
21 right? Right?

22 A. Yes.

23 Q. You knew they'd help you if you needed help?

24 A. Yes.

25 Q. And you didn't ask them to help you?

Ms. Herczeg - Cross - Ms. Cesare

1 A. It's not that I didn't want to, it's just -- it's
2 just I didn't want my mother to worry about me.

3 Q. So you decided to stay at Joseph's house?

4 THE COURT: She's answered this, we've gone
5 over this.

6 THE WITNESS: Yes, till the 17th.

7 Q. Okay. All right. There came a time when you started
8 to draw Joseph's bath for him, right?

9 A. The what, I'm sorry?

10 Q. After the first week you started preparing Joseph's
11 bath for him, right?

12 A. Yes.

13 Q. You and Gisele would take turns doing that?

14 A. Yes.

15 Q. And you were uncomfortable doing that, right?

16 A. I was.

17 Q. But you knew before you ever came to his house that
18 he was going to ask you to draw the bath for him, right?

19 A. Yes.

20 Q. Okay. But it still made you uncomfortable, right?

21 A. Preparing the water and performing oral sex is two
22 different things.

23 Q. Right. You never did perform oral sex on him. He
24 wanted you to, right?

25 A. Yes.

Ms. Herczeg - Cross - Ms. Cesare

1 MS. STONE: I'm sorry, your Honor, I don't
2 think -- the witness nodded, it wasn't on the record.

3 Q. Did Joseph want you to perform oral sex on him?

4 A. Yes.

5 Q. And you did not want to do it?

6 A. No.

7 Q. You told him -- you told him you didn't want to do
8 it?

9 A. Yes, I did tell him.

10 Q. And he said okay, right?

11 A. He said it's okay for now.

12 Q. And he said in a while, after a while you're going to
13 beg me to do it, right?

14 A. That's correct.

15 Q. And after that did you keep giving him -- did you
16 keep preparing his bath?

17 A. Yes, because I had no choice but to agree what he
18 wanted me to do.

19 Q. Because you were afraid he would fire you if you
20 didn't do the bath for him?

21 A. No. At this point I didn't care about the job or the
22 money anymore.

23 Q. Well, at this point --

24 A. It was -- the point was I would leave and I have
25 nowhere to go, I had no money, I had no friends, or even

Ms. Herczeg - Cross - Ms. Cesare

1 he would just take me somewhere if I wouldn't allow him
2 what he wanted me to do.

3 Q. Did he ever say he was going to take you somewhere
4 and make your disappear? Did he ever say that you?

5 A. If I want to kill you would I tell you?

6 Q. Did he ever say he was going to take you and make you
7 disappear?

8 A. He never mentioned it.

9 Q. Did he ever tell you he made over people disappear?

10 A. He told Gisele that he would kill her if something
11 happened to Elena.

12 Q. Oh, let's go to that. You're taking about a day when
13 he missed a phone call from his wife, right? Right? He
14 had missed an important phone call from his wife, right?

15 A. I don't know it was important or not, but he missed a
16 call.

17 Q. And he slammed his hand down on a table, right? And
18 he said in an angry voice, I'm going to kill you if
19 anything happens to Elena?

20 A. That's correct.

21 Q. Right. So he was angry about missing a phone call,
22 right?

23 A. He was angry about missing a phone call or -- yeah, I
24 guess.

25 Q. Now you were friendly with Gisele, right?

Ms. Herczeg - Cross - Ms. Cesare

1 A. I'm sorry?

2 Q. Were you friendly with Gisele?

3 A. Not really.

4 Q. Okay. Would you --

5 THE COURT: I think if you're going onto
6 something else this may be a good time for break.

7 MS. CESARE: Thank you.

8 THE COURT: All right, ladies and gentlemen,
9 we'll recess till tomorrow -- yes, we'll recess for today
10 until tomorrow. I think we can start at 10:30.

11 (Pause.)

12 THE COURT: See you tomorrow.

13 (Jury exits the courtroom.)

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1 MR. SPECTOR: Excuse me, Judge. As for our
2 witness calling purposes we're going to have the 404(b)
3 witness here tomorrow.

4 THE COURT: I thought I indicated I'm not
5 inclined to admit it? I mean I --

6 MR. SPECTOR: I wasn't sure if there was a
7 ruling.

8 THE COURT: I'm not inclined to admit it. I
9 said I would think about it, but I'm not -- I'm not going
10 to admit it. Let's make it simple.

11 MR. SPECTOR: Okay. I'm sorry, just one other
12 thing. We're going to plan to file our proposed charge
13 either Friday night or Saturday morning if that's all
14 right with the Court.

15 THE COURT: The problem is that -- if you want
16 to sum up on Tuesday and you want to see the charge
17 before you sum up, then that's not a good schedule.

18 MR. SPECTOR: Maybe it makes sense to, if we
19 plan for a charge conference on Tuesday and sum up on
20 Wednesday.

21 THE COURT: Well, it's still a difficult
22 schedule. I don't have a charge conference -- I mean I
23 don't understand, I don't need your whole collection of
24 boilerplate charges, I just want a charge on the elements
25 of the offense, and if I don't get it from you I'll just

Proceedings

1 take it from Sam.

2 MR. SCHNEIDER: Or us.

3 THE COURT: Or you, of course.

4 MR. SPECTOR: Okay. Well, we'll try to file
5 something -- when can we file it to be useful to you?

6 THE COURT: You know, at least by tomorrow
7 night.

8 MR. SPECTOR: Okay.

9 MR. SCHNEIDER: Okay.

10 THE COURT: So at least I have a today look at
11 it.

12 MR. SPECTOR: We'll do it by tomorrow night.
13 Thank you, Judge.

14 THE COURT: And again, I don't need your whole
15 collection of boilerplate.

16 MR. SPECTOR: I understand.

17 THE COURT: Just the elements of the offense.

18 (Matter adjourned.)

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E X H I B I T S

Government's Exhibit Marked in Evidence:

Government's Exhibit 100. 569

Defendant's Exhibit Marked In Evidence:

Defendant's Exhibit JY-1. 546

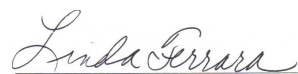
Defendant's Exhibit NY-2. 554

C E R T I F I C A T E

I, LINDA FERRARA, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 25th day of May, 2011.



Linda Ferrara

Transcription Plus II, Inc.

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